BENGAL LEGISLATIVE ASSEMBLY
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Assembly Proceedings

Official Report

Bengal Legislative Assembly

Eleventh Session, 1941

The 28th, 29th and 30th July and 1st August, 1941

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir John Arthur Herbert, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, in charge of the Education Department.

(2) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., in charge of the Home Department.

(3) The Hon'ble Sir Bijoy Prasad Singh Roy, in charge of the Revenue Department.

(4) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, in charge of Public Health (including Medical) and Local Self-Government Departments.

(5) The Hon'ble Maharaja Srischandra Nandy, of Cossimbazar, in charge of Communications and Works Department.

(6) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, in charge of Finance, Commerce and Labour Departments.

(7) The Hon'ble Nawab Musharruff Hossain, Khan Bahadur, in charge of the Judicial and Legislative Departments.

(8) The Hon'ble Mr. Prasanna Deb Raikut, in charge of the Forests and Excise Departments.

(9) The Hon'ble Mr. Mukunda Behary Mullick, in charge of the Co-operative Credit and Rural Indebtedness Departments.

(10) The Hon'ble Mr. Tamizuddin Khan, in charge of Agriculture and Industries (including Veterinary) and Rural Reconstruction Departments.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., **Khan Bahadur.**

DEPUTY SPEAKER.

M. ASHRAFALI, Esq., Barrister-at-law.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

FIRST ASSISTANT SECRETARY.

Rai N. N. SEN GUPTA Bahadur.

SECOND ASSISTANT SECRETARY.

Khan Sahib QUAZI MUHAMMAD SADRUL OLA.

REGISTRAR.

A. B. CHATERJI, Esq.

BENGAL LEGISLATIVE ASSEMBLY

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Aziz, Maulana Md. [Narayanganj East (Muhammadan).]

Abdul Hafiz, Mr. Mirza. [Tangail West (Muhammadan).]

Abdul Hafiz Mia, Mr. [Kurigram South (Muhammadan).]

Abdul Hakeem, Mr. [Khulna (Muhammadan).]

Abdul Hakim, Maulvi. [Mymensingh West (Muhammadan).]

Abdul Hakim Vikrampuri, Maulvi Md. [Munshiganj (Muhammadan).]

Abdul Hamid, Mr. A. M. [Pabna West (Muhammadan).]

Abdul Hamid Shah, Maulvi. [Kishoreganj North (Muhammadan).]

Abdul Jabbar, Maulvi. [Dinajpur Central East (Muhammadan).]

Abdul Jabbar Palwan, Mr. Md. [Jamalpur North (Muhammadan).]

Abdul Kader, Mr. [Patuakhali South (Muhammadan).]

Abdul Karim, Mr. [Jamalpur *cum* Muktagacha (Muhammadan).]

Abdul Latif Biswas, Maulvi. [Manikganj West (Muhammadan).]

Abdul Majid, Maulvi. [Mymensingh North (Muhammadan).]

Abdul Majid, Mr. Syed. [Noakhali South (Muhammadan).]

Abdul Motaleb Malik, Dr. [Nadia East (Muhammadan).]

Abdul Wahab Khan, Mr. [Bakarganj West (Muhammadan).]

Abdul Wahed, Maulvi. [Mymensingh East (Muhammadan).]

Abdulla-Al Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rahman, Khan Bahadur, A. F. M. [24-Parganas North-East (Muhammadan).]

Abdur Rahman Siddiqi, Mr. (Muslim Chamber of Commerce.)

Abdur Rasheed, Maulvi Md. [Birbhum (Muhammadan).]

Abdur Raschid Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rauf, Khan Bahadur Maulvi S. [Howrah (Muhammadan).]

Abdur Rauf, Khan Bahadur Shah. [Rangpur South (Muhammadan).]

Abdur Razzak, Maulvi. [Feni (Muhammadan).]

Abdus Shaheed. Maulvi Md. [Dacca North Central (Muhammadan).]

Abidur Reza Chowdhury, Khan Bahadur Maulvi. [Chandpur West (Muhammadan).]

Abu Hossain Sarkar, Maulvi. [Gaibandha North (Muhammadan).]

Abul Fazl, Mr. Muhammad [Madaripur West (Muhammadan).]

Abul Hashim, Maulvi. [Burdwan (Muhammadan).]

Abul Hosain Ahmed, Mr. [Netrokona North (Muhammadan).]

Abul Quasem, Maulvi. [Hooghly (Muhammadan).]

Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh. (Dacca Landholders.)

Aftab Ali, Mr. (Water Transport Trade Union.)

Ahmed Ali Enayetpuri, Khan Bahadur Maulana. [Jhenidah (Muhammadan).]

Ahmed Ali Mridha, Maulvi. [Goalundo (Muhammadan).]

Ahmed Hosain, Mr. [Gaibandha South (Muhammadan).]

Ahmed Khan, Mr. Syed. [Noakhali South (Muhammadan.)]

Alfazuddin Ahmed, Khan Bahadur Maulvi. [Midnapore (Muhammadan).]

Aminullah, Khan Sahib Maulvi. [Noakhali Central (Muhammadan).]

Amir Ali Mia, Maulvi Md. [Rajshahi South (Muhammadan).]

Anwarul Azim, Khan Bahadur Md. [Chittagong South (Muhammadan).]

Ashraf Ali, Mr. M. [Nator (Muhammadan).]

Asimuddin Ahmed, Mr. [Tippera Central (Muhammadan).]

Aulad Hossain Khan, Khan Bahadur Maulvi. [Manikganj East (Muhammadan).]

Azhar Ali, Maulvi. [Pabna East (Muhammadan).]

Azizul Haque, the Hon'ble Sir Muhammad, C.I.E., Khan Bahadur. [Nadia West (Muhammadan).]

B

Badrudduja, Mr. Syed. [Berhampore (Muhammadan.)]

Banerjee, Mr. Pramatha Nath. [Burdwan North-West (General).]

Banerjee, Mr. Sibnath. [Howrah (Registered Factories).]

Banerjee, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]

Banerji, Mr. P. [24-Parganas North-West (General).]

Banerji, Mr. Satya Priya. [Rajshahi (General).]

Barat Ali, Mr. Mohammad. [Serajganj Central (Muhammadan).]
Barma, Babu Premhari. [Dinajpur (General).]
Barma, Mr. Puspajit. [Rangpur (General).]
Barman, Babu Shyama Prosad. [Dinajpur (General).]
Barman, Babu Upendra Nath. [Jalpaiguri *cum* Siliguri (General).]
Basu, Mr. Jatindra Nath. [Calcutta North (General).]
Basu, Mr. Santosh Kumar. [Calcutta East (General).]
Bell-Hart, Miss P. B. (Anglo-Indian Constituency.)
Bhowmik, Dr. Gobinda Chandra. [Midnapore East (General).]
Birkmyre, Sir Henry, Bart. [Hooghly *cum* Howrah (European).]
Biswas, Babu Lakshmi Narayan. [Nadia (General).]
Biswas, Mr. Rasik Lal. [Jessore (General).]
Biswas, Mr. Surendra Nath. [Faridpur (General).]
Bose, Mr. Sarat Chandra . [Calcutta South (General).]

C

Chakrabarty, Mr. Jatindra Nath. [Rangpur (General).]
Chakrabarty, Babu Narendra Narayan. [Bogra *cum* Pabna (General).]
Chattopadhyay, Mr. Haripada. [Nadia (General).]
Chaudhuri, Rai Harendra Nath. [24-Parganas Municipal (General).]
Chippendale, Mr. J. W. (Anglo-Indian.)
Clark, Mr. I. A. [Burdwan Division (European).]

D

Das, Babu Radha Nath. [Hooghly North-East (General).]
Das, Mr. Anukul Chandra. [24-Parganas North-West (General).]
Das, Rai Sahib Kirit Bhusan. [Murshidabad (General).]
Das, Mr. Monomohan. [Mymensingh East (General).]
Dass, Babu Debendra Nath. [Birbhum (General).]
Das Gupta, Babu Khagendra Nath. [Jalpaiguri *cum* Siliguri (General).]

Das Gupta, Dr. J. M. [*Calcutta Central* (General).]

Das Gupta, Srijut Narendra Nath. [Bakarganj South-West (General).]

Datta, Mr. Dhirendra Nath. [Tippera (General).]

Dolui, Mr. Harendra Nath. [Jhargram *cum* Ghatal (General).]

Dutt, Mr. Sukumar. [Hooghly South-West (General).]

Dutta Gupta, Miss Mira. [Calcutta General (Women).]

Dutta Mazumdar, Mr. Niharendu. [Barrackpore (Registered Factories).]

E

Edbar, Mr. Upendranath. [Bakarganj South-West (General).]

Emdadul Haque, Kazi. [Kurigram North (Muhammadan).]

F

Farhad Raza Chowdhury, Mr. M. [Jangipur (Muhammadan).]

Farhat Bano Khanam, Begum. [Dacca (Muhammadan) Women.]

Fazlul Huq, the Hon'ble Mr. A. K. [Patuakhali North (Muhammadan).]

Fazlul Qadir, Khan Bahadur Maulvi. [Chittagong North-West (Muhammadan).]

Fazlur Rahman, Mr. [Jamalpur East (Muhammadan).]

Fazlur Rahman, Mr. (Dacca University.)

G

Ganguly, Mr. Pratul Chandra. [East Bengal Municipal (General).]

Ghose, Mr. Atul Krishna. [Jessore (General).]

Giasuddin Ahmed, Mr. [Jamalpur West (Muhammadan).]

Gladding, Mr. D., C.I.E. [Bengal Chamber of Commerce.]

Golam Sarwar Hosaini, Mr. Shah Syed. [Ramganj *cum* Raipur (Muhammadan).]

Golam Rabbani Ahammad, Maulvi. [Dinajpur Central West (Muhammadan).]

Gomes, Mr. R. A. [Dacca Division (Indian Christian).]

Goswami, Mr. Tulsi Chandra. [Burdwan Division North Municipal (General).]

Griffiths, Mr. C. (Anglo-Indian.)

Gupta, Mr. Jogesh Chandra. [Calcutta South Central (General).]

Gupta, Mr. J. N. [Railway Trade Union (Labour).]

Gurung, Mr. Damber Singh. [Darjeeling (General).]

Gyasuddin Ahmed Choudhury, Al-Hadj. [Madaripur East (Muhammadan).]

H

Habibullah, the Hon'ble Nawab Bahadur K., of Dacca. [Dacca Municipal (Muhammadan).]

Haddow, Mr. R. R. [Calcutta and Suburbs (European).]

Hafizuddin Choudhuri, Maulvi. [Thakurgaon (Muhammadan).]

Hamiduddin Ahmad, Khan Sahib. [Kishoreganj East (Muhammadan).]

Hamilton, Mr. K. A. (Calcutta Trades Association.)

Hasan Ali Chowdhury, Mr. Syed. [Tangail North (Muhammadan).]

Hasanuzzaman, Maulvi Md. [Tippera South (Muhammadan).]

Hashem Ali Khan, Khan Bahadur Maulvi. [Bakarganj North (Muhammadan).]

Hasina Murshed, Mrs., M.B.E., Parliamentary Secretary. [Calcutta (Muhammadan) Women.]

Hatemally Jamadar, Khan Sahib Maulvi. [Pirojpur South (Muhammadan).]

Hawkings, Mr. R. J. [Calcutta and Suburbs (European).]

Haywood, Mr. Rogers. (Bengal Chamber of Commerce.)

Hendry, Mr. David. (Bengal Chamber of Commerce.)

Hirtzel, Mr. M. A. F. (Bengal Chamber of Commerce.)

Hodge, Mr. H. R. (Bengal Chamber of Commerce.)

I

Idris Ahmed Mia, Mr. [Malda South (Muhammadan).]

Ispahani, Mr. M. A. H., M.B.E. [Calcutta South (Muhammadan).]

J

Jalaluddin Ahmad, Khan Bahadur Maulvi. [Cox's Bazar (Muhammadan).]

Jalaluddin Hashemy, Mr. Syed. [Satkhira (Muhammadan).]

Jalan, Mr. I. D. [Calcutta West (General).]

Jasimuddin Ahmed, Khan Sahib Maulvi. [24-Parganas South (Muhammadan).]

Jonab Ali Majumdar, Maulvi. [Chandpur East (Muhammadan).]

K

Kabiruddin Khan, Khan Bahadur Maulvi. [Netrokona South (Muhammadan).]

Kazem Ali Mirza, Sahibzada Kawan Jah Syed. [Murshidabad South-West (Muhammadan).]

Kennedy, Mr. I. G. (Indian Jute Mills Association.)

Khaitan, Mr. Debi Prosad. (Indian Chamber of Commerce.)

Khan, Mr. Debendra Lall. [Midnapore Central (General).]

Kumar, Mr. Atul Chandra. [Malda (General).]

Kundu, Mr. Nishitha Nath. [Dinajpur (General).]

L

Lahiri, Babu Ashutosh. [North Bengal Municipal (General).]

M

MacGregor, Mr. G. G. (Indian Tea Association.)

Mafizuddin Ahmed, Dr. [Bogra North (Muhammadan).]

Mafizuddin Ahmed, Maulvi. [Tippera North (Muhammadan).]

Mafizuddin Choudhury, Maulvi. [Balurghat (Muhammadan).]

Maguire, Mr. L. T. (Anglo-Indian.)

Mahatab, Maharajkumar Uday Chand. [Burdwan Central (General).]

Maiti, Mr. Nikunja Behari. [Midnapore South-East (General).]

Maji, Mr. Adwaita Kumar. [Burdwan Central (General).]

Majumdar, Mrs. Hemaprova. [Dacca (General) Women.]

Majumdar, Babu Jnanendra Chandra. [Mymensingh, East Rural (General).]

Mal, Mr. Iswar Chandra. [Midnapore South-West (General).]

Mandal, Mr. Amrita Lal. [Mymensingh West (General).]

Mandal, Mr. Banku Behari. [Burdwan North-West (General).]

Mandal, Mr. Birat Chandra. [Faridpur (General).]

Mandal, Mr. Jagat Chandra. [Tippera (General).]

Mandal, Mr. Jogendra Nath. [Bakarganj North-East (General).]

Mandal, Mr. Krishna Prasad. [Midnapore Central (General).]

Maniruddin Akhand, Maulvi. [Rajshahi North (Muhammadan).]

Maniruzzaman Islamabadi, Maulana Md. [Chittagong South Central (Muhammadan).]

Maqbul Hosain, Mr. [Tippera North-East (Muhammadan).]

Masud Ali Khan Panni, Maulvi. [Tangail South (Muhammadan).]

Miles, Mr. C. W. (Indian Tea Association.)

Mohammed Ali, Khan Bahadur. [Bogra West (Muhammadan).]

Mohsin Ali, Mr. Md. [Meherpur (Muhammadan).]

Mookerjee, Dr. Syamaprasad. (Calcutta University.)

Morgan, Mr. G., C.I.E. [Presidency Division (European).]

Moslem Ali Mollah, Maulvi. [Rajshahi Central (Muhammadan).]

Mozammel Huq, Maulvi Md. [Bhola North (Muhammadan).]

Muhammad Afzal, Khan Bahadur Maulvi Syed. [Pirojpur North (Muhammadan).]

Muhammad Ibrahim, Maulvi. [Noakhali North (Muhammadan).]

Muhammad Ishaque, Maulvi. [Bogra South (Muhammadan).]

Muhammad Israil, Maulvi. [Kishoreganj South (Muhammadan).]

Muhammad Siddique, Khan Bahadur Dr. Syed. [Bankura (Muhammadan).]

Muhammad Sulaiman, Khan Bahadur Maulvi. [Barrackpore Municipal (Muhammadan).]

Mukerjea, Mr. Taraknath, M.B.E. [Burdwan Landholders' Constituency.]

Mukerji, Mr. Dhirendra Narayan. (Hooghly North-East.)

Mukherjee, Mr. B. [Colliery (Coal Mines) (Labour).]

Mukherji, Dr. H. C. [Calcutta *cum* Presidency Division (Indian Christian).]

Mukherji, Dr. Sharat Chandra. [Birbhum (General).]

Mullick, Srijut Ashutosh. [Bankura West (General).]

Mullick, the Hon'ble Mr. Mukunda Behari. [Khulna (General).]

Mullick, Mr. Pulin Behary. [Howrah (General).]

Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur. [Jalpaiguri *cum* Darjeeling (Muhammadan).]

Mustagawsal Haque. Mr. Syed. [Bagerhat (Muhammadan).]

Mustafa Ali Dewan, Maulvi. [Brahmanbaria North (Muhammadan).]

N

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar, (Presidency Landholders.)

Nasarullah, Nawabzada K., Parliamentary Secretary. [Brahmanbaria South (Muhammadan).]

Nasker, Mr. Hem Chandra. [24-Parganas South-East (General).]

Nausher Ali, Mr. Syed. [Jessore Sadar (Muhammadan).]

Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]

Nooruddin, Mr. K. [Hooghly *cum* Howrah Municipal (Muhammadan).]

Norton, Mr. H. R. (Calcutta Trades Association.)

P

Pain, Mr. Barada Prosanna. [Hooghly *cum* Howrah Municipal (General).]

Patton, Mr. W. C. [Darjeeling (European).]

Paul, Sir Hari Sankar. (Bengal National Chamber of Commerce.)

Pottinger, Mr. G. U. [Chittagong Division (European).]

Pramanik, Mr. Tarinicharan. [Malda (General).]

R

Rahman, Khan Bahadur A. M. L. [Rajshahi Central (Muhammadan).]

Raikut, the Hon'ble Mr. Prasanna Deb. [Jalpaiguri *cum* Siliguri (General).]

Rajibuddin Tarafdar, Maulvi. [Bogra East (Muhammadan).]

Ramizuddin Ahmed, Mr. [Tippera West (Muhammadan).]

Razaur Rahman Khan, Mr. [Dacca South Central (Muhammadan).]

Roy, Mr. Charu Chandra. [Mymensingh West (General).]

Roy, Mr. Dhananjoy. [Dacca East (General).]

Roy, Mr. Kamalkrishna. [Bankura East (General).]

Roy, Mr. Kiran Sankar. [Dacca West (General).]

Roy, Mr. Kishori Pati. [Jhargram *cum* Ghatal (General).]

Roy, Rai Bahadur Kshirod Chandra. (Chittagong Landholders.)

Roy, Mr. Manmatha Nath. [Howrah (General).]

Roy, Mr. Patiram. [Khulna (General).]

Roy, Kumar Shib Shekhareswar. (Rajshahi Landholders.)

S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]

Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]

Sahabe Alum, Mr. Syed. [Dacca Central (Muhammadan).]

Salim, Mr. S. A. [Narayanganj North (Muhammadan).]

Sanaullah, Dr. [Chittagong North-East (Muhammadan).]

Sanyal, Dr. Nalinaksha. [Presidency Division Municipal (General).]

Sanyal, Mr. Sasanka Sekhar. [Murshidabad (General).]

Sarker, Babu Madhusudan. [Bogra *cum* Pabna (General).]

Sarker, Mr. Nalini Ranjan. (Bengal National Chamber of Commerce.)

Sen, Mr. Atul Chandra. [Dacca East (General).]

Sen, Rai Bahadur Jogesh Chandra. [24-Parganas South-East (General).]

Sen, Babu Nagendra Nath. [Khulna (General).]

Sen Gupta, Mrs. Nellie. [Chittagong (General).]

Serajul Islam, Mr. [Bongaon (Muhammadan).]

Shahabuddin, Mr. Khwaja, C.B.E., Parliamentary Secretary. [Narayanganj South (Muhammadan).]

Shahedali, Mr. [Matlabbazar (Muhammadan).]

Shamsuddin Ahmed, Mr. M. [Kusthia (Muhammadan).]

Shamsuddin Ahmed Khondkar, Mr. [Gopalganj (Muhammadan).]

Shamsul Huda, Maulana. [Mymensingh South (Muhammadan).]

Singha, Babu Kshetra Nath. [Rangpur (General).]

Sinha, Srijut Manindra Bhusan. [Bankura West (General).]

Sirdar, Babu Litta Munda. [Bengal Dooars (Western) Tea Garden Labour.]

Smith, Mr. H. Brabant. [Rajshahi Division (European).]

Speller, Mr. J. H. [Calcutta and Suburbs (European).]

Stark, Mr. A. F. [Calcutta and Suburbs (European).]

Steven, Mr. J. W. R. [Dacca (European).]

Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]

Sur, Mr. Harendra Kumar. [Noakhali (General).]

T

Tamizuddin Khan, the Hon'ble Mr. [Faridpur West (Muhammadan.)

Tapuriah, Rai Bahadur Moongtu Lall. (Marwari Association.)

Thakur, Mr. Promatha Ranjan. [Faridpur (General).]

Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]

Walker, Mr. J. R. (Bengal Chamber of Commerce.)

Walker, Mr. W. A. M. (Indian Jute Mills Association.)

Whitehead, Mr. R. B. (Indian Mining Association.)

Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Y

Yousuf Mirza. [24-Parganas Central (Muhammadan).]

Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]

Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the Eleventh Session.

Volume LX—No. 1.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 28th July, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 178 members.

Obituary Reference.

Mr. SPEAKER: Ladies and Gentlemen, before the proceedings of the day begin, it is my melancholy duty to refer to the death of Mr. G. S. Dutt, who died in Calcutta, on the morning of the 26th June, 1941, at the age of 59.

He was a nominated member of the old Legislative Council and a distinguished member of the Indian Civil Service. He was a great son of Bengal who devoted his life for the uplift and welfare of the society. His contributions were made through the Bratachari movement—a movement embodying the ideal and practice of citizenship with simultaneous physical, mental and spiritual discipline. By founding Saroj Nalini Dutta Memorial institutions in memory of his wife he gave a great impetus to the women's uplift movement in Bengal. By his death Bengal is poorer to-day.

I hope it is the desire of the members of this House that a message of condolence should be sent to the bereaved family. I ask you, therefore, to rise in your places to signify your consent.

(Members rose in their seats.)

Thank you, Ladies and Gentlemen. Necessary steps will be taken by the Secretary.

Oath or Affirmation of Allegiance.

The following members then made their oath or affirmation of allegiance to the Crown :—

(1) Mr. G. U. Pottinger.

(2) Mr. R. A. Gomes.

(3) Babu Ashutosh Lahiri.

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provisions of rule 6 of the Bengal Legislative Assembly Procedure Rules, I nominate the following members of the Assembly to form a Panel of four Chairmen for the ensuing session :—

(1) Mr. Sarat Chandra Bose.

(2) Mr. W. A. M. Walker.

(3) Mr. Debi Prosad Khaitan.

(4) Khan Bahadur Mohammed Ali.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of the Deputy Speaker.

Library Committee.

Mr. SPEAKER: Under rule 2 of rules regulating the control and management of the Library of the Bengal Legislature, I nominate the following members of the Bengal Legislative Assembly to serve on the Joint Library Committee :—

(1) Mr. W. C. Wordsworth.

(2) Mr. Sasanka Sekhar Sanyal.

(3) Khan Bahadur A. M. L. Rahman.

STARRED QUESTIONS

(to which oral answers were given)

Amendment of the Bengal Wakf Act, 1934.

*1. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government are considering the desirability of—

(*a*) amending the Bengal Wakf Act, 1934; and

(*b*) bringing the Wakf Department under direct control of the Government?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) The matter is receiving attention.

New Wakf Board, Bengal.

***2. Maulvi MAFIZUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the new Board for Wakfs has been formed?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Mr. A. K. FAZLUL HUQ: The reconstitution of the Board is under the consideration of Government.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state how long this matter will remain under the consideration of Government and for how many years it has been under the consideration of Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are many difficulties in the way of constituting the Board. The idea is to introduce an amendment of the Wakf Act as early as possible and it is found that it would be premature to form a Board now which may be dissolved very soon.

Government-aided high English schools in Presidency Division.

***3. Mr. SATYAPRIYA BANERJEE:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the present number of Government-aided high English schools in the Presidency Division; and

(*b*) the number of Head Masters that are—

(1) M.As.,

(2) M.A., B.Ts., and

(3) B.A., B.Ts.?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement furnishing the required particulars is laid on the table.

Statement referred to in the reply to starred question No. 3.

(*a*) Number of high English schools in the Presidency Division—

For boys	...	132
For girls	...	26
Total	...	158

(*b*) Number of Head Masters and Head Mistresses—

	M. As.	M.A., B.Ts.	B.A., B.Ts.
Males ..	28	36	24
Females ..	6	9	7

Government grant to unrecognised girls' high English schools.

***4. Mr. PUSPAJIT BARMA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any girls' high English school at Calcutta not affiliated to any University receives Government grant?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what are the names of the schools;

(*ii*) the amount of the grant received by each of them per month; and

(*iii*) whether Banipith Girls' High English School is one of the schools referred to in clause (*a*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) There is only one girls' high English school in Calcutta not yet affiliated to the Calcutta University which receives Government grant.

(*b*) (*i*) St. Mary's Bengali Girls' High School.

(*ii*) The school receives a grant of Rs.350 per month.

(*iii*) The question does not arise.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the reasons which have actuated the Government of Bengal to grant Rs. 350 per month to St. Mary's Bengali Girls' High School, though it is not affiliated to the Calcutta University?

The Hon'ble Mr. A. K. FAZLUL HUQ: The school has been doing very good work and Rs. 350 per month is a grant which we have been paying to many girls' schools. The matter is under the discretion of the Director of Public Instruction instructed by reports received from the Inspectress of Schools. Government do not directly interfere with the discretion of the Director of Public Instruction to grant aids to schools.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether there are other unaffiliated high schools for girls which receive such grants?

The Hon'ble Mr. A. K. FAZLUL HUQ: No. This is the only school that does.

Members of the Howrah District and Howrah and Bally Municipalities Excise Licensing Boards.

***5. Maulvi MD. ABDUS SAHEED:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing the number and names of the—

(*i*) Hindu,

(*ii*) Muslim,

(*iii*) Schedule Caste, and

(*iv*) Christian

members of the Howrah District Excise Licensing Board and Howrah and Bally Municipalities Excise Licensing Boards?

(*b*) If the number of Muslim members is small, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) A statement is laid on the table.

(*b*) The Licensing Boards concerned are constituted with nominees of public bodies. The question of communal representation in the Boards does not, therefore, arise.

Statement referred to in the reply to starred question No. 5, showing the names of the non-official members of the Howrah District and Howrah and Bally Municipalities Excise Licensing Boards.

Caste Hindu.	Muslim.	Scheduled Caste.	Christian.
	Howrah District Licensing Board.		
(1) Rai Saheb C. C. Paul nominated by the District Board.	(1) Maulvi Sahadat Hossain, B.L., nominated by the Uluberia Local Board.	Nil	(1) Mr. D. R. Whyte, nominated by the Jute Mills' Association.
2) Babu Haripada Bhattacharyya, nominated by the District Board.			
3) Babu Phani Bhusan Dutt, M.A., B.L., nominated by the Sadar Local Board.			
	Howrah Municipality Licensing Board.		
1) Babu Bibhuty Bhusan Banerjee, representative of the Howrah Municipality.	Nil.	Nil.	(1) Mr. J. A. Murray, representative Mill Manager for the Mills within the Municipality.
2) Pannalal Singh, B.L. representative of the Howrah Municipality.			
	Bally Municipality Licensing Board.		
1) Babu Ananda Gopal Mukherjee, representative of the Bally Municipality.	Nil.	Nil.	(1) Mr. J. A Murray, representative Mill Manager for the Mills within the Municipality.
2) Babu Jyotsna Kumar Banerjee, representative of the Bally Municipality.			

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether there is any Government nominee in that Licensing Board?

The Hon'ble Mr. PRASANNA DEB RAIKUT: That question does not arise.

Reappointment of retired officers of gazetted rank.

***6. Maulvi M. MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether retired Government officers of gazetted rank were reappointed since April, 1937, to work under Government?

(*b*) If so, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number so reappointed up to date; and

(*ii*) their names, places of residence and the names of the respective posts in which they were reappointed?

(*c*) Will the Hon'ble Minister be pleased to state the reasons for such reappointment?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) and (*c*) A statement is laid on the Library table.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the reasons for reappointing retired officers? Was it out of any necessity for them or was it for patronisation?

Mr. SPEAKER: The latter part of your question does not arise.

Mr. SYED JALALUDDIN HASHEMY: All right, Sir; I will leave out that part. Will the Hon'ble Minister be pleased to state the reasons for reappointing retired officers?

The Hon'ble Mr. H. S. SUHRAWARDY: The reasons have been given in the last column of the statement laid on the Library table. If the honourable member will go to the Library and read the statement, he will not ask the question.

Mr. SYED JALALUDDIN HASHEMY: Is there any harm if the Hon'ble Minister makes the reply on the floor of the House?

Mr. SPEAKER: The difficulty is that the Finance Department is not responsible for the information you want. The Finance Department has only collected the facts and furnished them for the information of this House. If you have any specific question to ask, you must address it to the Minister in charge of the particular department concerned.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister in charge of the Appointment Department be pleased to state the reasons for reappointing retired officers under Government?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not in charge of that department but so far as this question is concerned, I can say that all the reasons have been given in the statement laid on the Library

table. As all the reasons are there, I do not think the honourable member can want me to read out those reasons here on the floor of the House.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether all the posts had been advertised in the daily newspapers before the retired officers were reappointed?

The Hon'ble Mr. H. S. SUHRAWARDY: I would request the honourable member to ask each individual Minister regarding the appointments made in his specific department.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten us with the position so far as his own department is concerned?

The Hon'ble Mr. H. S. SUHRAWARDY: The Finance Minister did not appoint any retired officer.

Mr. ATUL KRISHNA GHOSE: What is the policy pursued by Government in the matter of reappointing retired officers to certain posts?

The Hon'ble Mr. H. S. SUHRAWARDY: Retired officers are appointed to certain posts when no other persons are available for them.

Mr. ATUL KRISHNA GHOSE: Are we to understand then that outside candidates with the requisite qualifications were not available, and that it was for that reason that retired officers had to be taken in?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member will be good enough so to understand.

Mr. SASANKA SEKHAR SANYAL: In view of the answer to the last but one question in which the Hon'ble Minister says that the retired officers were appointed when no other persons were available, naturally the other question of Mr. Atul Krishna Ghose as to whether any advertisement was made in order to find out whether any candidates were available is to the point, and we can surely expect the Hon'ble Minister to answer it.

Mr. SPEAKER: That you can ask of the Hon'ble Minister of the particular department concerned.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state if any steps had been taken in order to find out whether any persons were available for the posts that were ultimately given to certain retired officers?

The Hon'ble Mr. H. S. SUHRAWARDY: As a rule, I take it, every department takes steps to find that out. It is against the policy of this Government to appoint retired officers unless driven by administrative reasons to do so.

Mr. SASANKA SEKHAR SANYAL: What were the steps that were generally taken by the departments?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member will be good enough to ask each specific department about that.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. Whenever a vital question has been put to the Hon'ble Minister, he has been avoiding to answer it by transferring it to some of his colleagues. Is the Hon'ble Minister unable to furnish us with the requisite information?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: In view of what the Hon'ble Minister has stated in this House, namely, that it is the definite policy of the Government to recruit new officers instead of reappointing retired officers, will the Hon'ble Minister be pleased to state who were the persons who have been responsible for reappointing the retired officers to the posts?

Mr. SPEAKER: That question does not arise.

Rate of dietary allowance in Medical College Hospitals.

***7. Mr. MD. ABUL FAZL:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether of late there has been an increase in the usual daily rate of dietary allowance for each patient of the Medical College Hospitals, Calcutta?

(*b*) If so, what is the present rate of dietary allowance per patient in the (1) General Ward and (2) European Ward of the Medical College?

(*c*) Is it a fact that the Medical Officers have been instructed by the hospital authorities for the reduction of the rate of the dietary allowance to 5 annas 6 pies and 10 annas per patient in the wards referred to in clause (*b*)?

(*d*) If so, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) Annas 8 and pies 3 per head per diem for Indian patients and Re.1-0-6 per head per diem for European patients.

(*c*) No.

(*d*) Does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the reason for the distinction of diet between Indian and European patients in the Medical College Hospital?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Here the word "European" gives a wrong impression. It means those who want to live in European style—both Europeans and Indians.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is the duty of the Government to look to the interests of the patients without making any distinction between a class and a class?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already stated that there are two types of patients.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he has considered the recent increases in the prices of foodstuffs when fixing annas 8 and pies 3 per head per diem for Indian patients?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice if the question relates to dearness.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether from the medical point of view it is desirable to give one diet to one patient and a superior diet to another patient?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: Do I understand the Hon'ble Minister to say that any Indian patient may have European diet if he so desires?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Mr. ATUL KRISHNA GHOSE: Are we then to understand that whenever a man will put on European dress he will be given diet at the higher rate and whenever a man will put on Indian dress he will be given diet at the lower rate?

Mr. SPEAKER: You cannot put in that interpretation.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to define what he means by "European patient"?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I mean those patients who want to have diet in European style, that is, soup, eggs, meat, etc.

Changes in the course of the Torsa river in the Duars, Jalpaiguri district, and its effect.

***8. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the Torsa river in the Duars, Jalpaiguri district, has been changing its course in recent years and a branch of it has recently fallen in the Sili Torsa; and

(*ii*) that a large number of villages near about Madarihat is threatened with destruction if no protection work be made to prevent the Torsa in going into the Sili Torsa?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of erecting protection work this year?

(c) If so, will the Hon'ble Minister be pleased to state—

(i) whether any scheme or estimate for the protection work has been prepared; and

(ii) if so, by whom and when?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) (i) The Torsa river in the Duars is always oscillating in its course but no major avulsion of the river is known to have taken place in recent years, either through its existing branches Chota Torsa, Buri Torsa, Bala Torsa, and Malangi or through any other course.

(ii) Madarihat and the villages near it stand on the Chota Torsa which is towards the west of the Torsa river. The honourable member probably refers to this branch of the Torsa, for I am informed that the eastern chain of the branch channels comprising the Bala Torsa, the Buri Torsa and the Malangi—the lower portion of which is known as the Sili Torsa—does not traverse any village worth mentioning except the Saudamini Tea Estate. In either case my technical advisers are of opinion that these small hill torrents cannot destroy a large tract of habitable lands.

(b) and (c) Do not arise.

Jurors in Chittagong district.

***9. Khan Bahadur Maulvi AULAD HOSSAIN KHAN:** (a) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether it is a fact that in Chittagong district jurors for Session trials are selected from among the ministerial officers such as clerks of Civil and Criminal Courts and of District Board?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government contemplate the desirability of discontinuing this practice?

(c) Will the Hon'ble Minister be pleased to state whether this practice is in vogue in any other district of this Province?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) Yes.

(b) The question will be examined.

(c) The practice is not in vogue in any other district excepting Faridpur and Rajshahi and in each of the districts of the 24-Parganas, Murshidabad and Tippera there is only one clerk in the jury list.

Inspectors and Auditors of Wakfs.

*10. **Maulvi MAFIZUDDIN AHMED:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the—

(i) name;

(ii) educational qualifications;

(iii) salary;

(iv) home district; and

(v) headquarters of each of the—

(1) Inspectors, and

(2) Auditors

of Wakfs?

(b) Will the Hon'ble Minister be pleased to state—

(i) what are the duties assigned to the Inspectors of Wakfs; and

(ii) whether they recommend any measure for the improvement of Wakf Estates?

(c) If the answer to (b) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken by Government on these recommendations?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) A statement is laid on the table.

(b) (i) The usual duties of the Inspectors are the auditing of accounts of Wakf Estates in their respective jurisdictions and the holding of local inquiries as required by the Commissioner.

(ii) Sometimes suggestions for measures for improvement are called for and made by the Inspectors.

(c) When suggestions are received from Inspectors, the Commissioner and the Board of Wakfs are to deal with them and it is not for Government to take any action in such matters.

Statement referred to in the reply to starred question No. 10.

Name.	Educational qualifications.	Salary.	Home district.	Headquarters.	Remarks.
1	2	3	4	5	6
		Rs.			
Inspectors.					
1. Maulvi Habibur Rahman (I) ..	B.A., B.L. ..	83	Bogra ..	Calcutta (Head Office).	He is now at Headquarters doing office work.
2. ,, Haji Niaz Ahmed ..	M.A., B.L. .	83	Murshidabad ..	Do. ..	Ditto.
3. ,, Habibur Rahman (II) ..	Home education .	75	Dinajpur ..	Do. ..	Ditto.
4. ,, Mafizuddin Ahmed ..	B.Sc. .	83	Nadia ..	Calcutta.	
5. ,, B. W. M. A. Rahman ..	B.Sc. ..	83	Khulna ..	Do. ..	
6. ,, Quazi Abdul Bari ..	M.A., B L.	83	Jessore ..	Chittagong.	
7. ,, Nuruzzaman Khan ..	B.A .	83	Bakarganj ..	Rajshahi.	
Auditors.					
1. Maulvi Abdul Mannan ..	B A. .	54	Noakhali ..	Rangpur.	
2. ,, Raisuddin Khan ..	B.A. ..	54	Dacca ..	Noakhali.	
3. ,, Siddiqulla ..	Matric. .	54	Noakhali ..	Barisal.	
4. ,, Abdul Ghani Chowdhury	B.A. .	54	Chittagong ..	Hooghly.	
5. ,, Muhammad Sultan ..	Matric. .	50	Burdwan ..	Burdwan.	

6.	,,	Syed Hussain Ali	..	B A.	..	50	24 Parganas	..	Chittagong.	
7.	,,	A. K. M. Idris	..	B.A	..	50	Noakhali	.	Calcutta.	
8.	,,	Ahmedur Rahman	.	B.A., B L.		50	Chittagong		Calcutta (Head Office).	He is now at Head-quarters doing office work.
9.	,,	Masuduzzaman	..	Matric.	..	54	Mymensingh	..	Calcutta.	
10.	,,	Mahbubar Rahman	..	B Com.	..	54	Khulna	.	Murshidabad.	
11.	,,	Serajul Huq	.	B A.	.	50	Faridpur	..	Dacca.	

Mr. MD. ABUL FAZL: Will the Hon'ble Minister be pleased to state why qualified Auditors are not taken into consideration?

Mr. SPEAKER: That question does not arise here.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Inspectors who audit the accounts are qualified Auditors within the meaning of the Government rules?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot answer that question. I do not know what are the qualifications of these candidates.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Recognised high English schools in Bakarganj district.

1. Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the number of recognised, aided and Government high English schools in the district of Bakarganj;

(*b*) the number of them that are recipients of grants-in-aid from the Government;

(*c*) the number of them that are maintained by Government;

(*d*) the number of the Government-aided schools that owe their existence mainly to the initiative of—

(1) Christian Missionaries,

(2) Hindus, and

(3) Muslims;

(*e*) the total amount of grants of these aided schools; and

(*f*) the amount granted to schools founded by—

(1) the Christian Missionaries,

(2) the Muslims, and

(3) the Hindus?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement furnishing the information is laid on the table.

Statement referred to in the reply to unstarred question No. 1.

	Number of high English schools for	
	Boys.	Girls.
Recognised	94	2
Aided	35	2
Government	4	Nil

	Aided schools founded by					
	Christian Missionaries.		Hindus.		Muslims.	
	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
Number ..	1	Nil	18	1	16	1
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Amounts of grants.	1,272	Nil	23,964	8,400	20,820	3,600

	Boys.	Girls.
	Rs.	Rs.
Total amounts of grants	46,056	12,000

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if he is aware that more than two-thirds of the recognised schools in Bakarganj district owe their existence mainly to the initiative of the Hindus?

Mr. SPEAKER: That question does not arise.

Srijut NARENDRA NATH DAS GUPTA: It does arise, Sir. The Hon'ble Minister has given the number of aided schools which owe their existence to the initiative of the Hindus, and I want to know how many of them receive grants from Government.

Mr. SPEAKER: Then you ought to have put another question along with it, namely, how many schools are there which do not receive any grant-in-aid and which owe their existence to the initiative of the Hindus.

Srijut NARENDRA NATH DAS GUPTA: Sir, that is my question.

Mr. SPEAKER: Then you ought to have put another question. You cannot put supplementary questions on this question.

Selection of site for free primary schools in Chandpur subdivision, Tippera district.

2. Maulvi JONAB ALI MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) what was the number of disputes regarding the site selection of free primary schools in the subdivision of Chandpur, Tippera, from the 1st of January, 1939, to the 31st January, 1941;

(*ii*) how many of those have been disposed of up to the 31st January, 1941;

(*iii*) how many are still pending for final decision; and

(*iv*) what are those disputed sites?

(*b*) Will the Hon'ble Minister be pleased to state whether the local Chandpur subdivisional site selection sub-committee have made local enquiry in all the cases to ascertain the local public opinion of disputed locality?

(*c*) If not, will the Hon'ble Minister be pleased to state the reason thereof?

(*d*) Do the Government contemplate to make an enquiry in all the cases arising in the subdivision of Chandpur, Tippera?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 45.

(*ii*) 40.

(*iii*) 5.

(*iv*) *Hajiganj police-station*—

(1) Walipore M. E. *vs.* Walipore Primary.

(2) Subidpur *vs.* Maishaid.

(3) Tamta *vs.* Kulsi.

(4) Suchipara M. E. *vs.* Suchipara Primary.

(5) Chaychilla *vs.* Lodhpara.

(*b*) Local enquiries were made in all cases of dispute.

(*c*) Does not arise.

(*d*) No.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether with regard to disputes in the primary schools, in the majority of cases the decision of the enquiry committee has been set aside by the District School Board?

Mr. SPEAKER: Supposing they have been so, how is Government concerned?

Mr. SHAHEDALI: I shall put the next question, namely, whether there is any remedy for the arbitrariness of District School Boards?

Mr. SPEAKER: That question does not arise.

Mr. SHAHEDALI: If there is no remedy here, I do not know what is the remedy.

Mr. SPEAKER: Change of the Act.

Grant-in-aid to certain high English schools in Kishoreganj and Netrokona subdivisions.

3. Mr. MONOMOHAN DAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether (1) the Chatal and the Hazarinagar Middle English Schools in Kishoreganj subdivision, and (2) Balnia Middle English School in Netrakona subdivision of the Mymensingh district have been recognised;

(*ii*) whether the said schools get any recurring grants-in-aid either from the Government or from the district board; and

(*iii*) whether all the schools are situated in the localities inhabited mainly by the Scheduled Castes people?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of granting recurring grants-in-aid from the Government from the current session to the said schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) and (*iii*) Yes.

(*ii*) No.

(*b*) Instructions have been issued to the Director of Public Instruction to consider the desirability of giving recurring grants to the schools.

Point of Information.

Mr. CHARU CHANDRA ROY: On a point of information, Sir. Just now while my friend Mr. Shahedali was asking supplementaries on question No. 2, you referred him to amend the Act. My point is that we want to get information from the Government whether Government has any control over the School Boards.

Mr. SPEAKER: It is a matter of common knowledge to everybody so long as the Act is there. You cannot get information of Acts from Government.

Mr. CHARU CHANDRA ROY: Mr. Speaker, my submission is that School Boards are acting arbitrarily and I want to know whether Government can control them.

Mr. SPEAKER: If it is a proposition of law, you cannot get the answer in the House.

Appointment of the Executive Engineer in the Public Health Department.

4. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Public Health Department be pleased to state whether it is a fact that the District Engineer of Pabna has recently been given the appointment of the Executive Engineer in the Public Health Department?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) who were the candidates for the post;

(*ii*) what were their qualifications and past experiences; and

(*iii*) the reason for not appointing the seniormost Assistant Engineer in the department to the post?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

(*b*) (*i*) and (*ii*) A statement is laid on the Library table.

By the courtesy of the Public Service Commission I am able to supply the information asked for by the honourable member.

(*iii*) The seniormost Assistant Engineer was a non-Muslim. As there was no Muslim Executive Engineer in the department, it was decided to reserve the post for a Muslim. Consequently, the appointment was made from among outside candidates.

Mr. NISHITHA NATH KUNDU: With reference to the statement laid on the Library table, will the Hon'ble Minister be pleased to state why the claims of candidates Nos. 6 and 10 in the list were not considered in giving the appointment?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have accepted the recommendation of the Public Service Commission. They have suggested this name out of 10 or 12 and they are in a position to say why they have sent the name of this gentleman.

Mr. ATUL CHANDRA SEN: From answer (*b*) (*iii*), do I understand the Hon'ble Minister to say that a Muslim was appointed in preference to a better qualified non-Muslim to maintain the communal ratio as laid down in the Government communiqué of June, 1939?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have never said that in the whole statement.

Boaljuri Khal in Chandpur subdivision, Tippera.

5. Maulvi JONAB ALI MAJUMDAR: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that "Boaljuri *khal*" is an important navigable *khal* in the subdivision of Chandpur, Tippera;

(*ii*) that this *khal* passing through the interiors of the Hajigong, Kachua and Mattal police-stations is used for importing and exporting agricultural produce and boat-passages throughout the year; and

(*iii*) that this *khal* gets dried up for a few months for the last few years?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, is the Hon'ble Minister considering the desirability of re-excavating the *khal* making it navigable throughout the year?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) and (*ii*) Yes.

(*iii*) Yes—at some places in the months of February and March.

(*b*) The desirability of silt clearing the channel to make it navigable throughout the year is under the consideration of Government.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state when the question of Boaljuri *khal* first came into their consideration?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think it was brought to the notice of Government by the local officials.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether he is taking some steps this year?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have stated in my reply we are examining the question and it is difficult to say when the scheme will be ready.

Names of subdivisional headquarters not connected with district headquarters.

6. Khan Bahadur Maulvi AULAD HOSSAIN KHAN: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state names of subdivisional headquarters in this Province which are not connected with the district headquarters by any railway, motorable road or steamer service?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Magura, Narail, Arambagh, Ramgarh, Pirojpur, Manikganj and Tangail. The last named will however be connected with its district headquarters as soon as the Tangail-Mymensingh Road which is now under construction is completed.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state when the Tangail-Mymensingh Road is expected to be finished?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I had occasion to state before the House that it is a fairly long road and as money had to be distributed among a large number of projects, the progress has been necessarily slow.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state why he has not included Bhola and Dakshin Shahazpur as unconnected with the district headquarters by any railway, motorable road or steamer service?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Probably because Bhola can be approached during the dry season by road and partly by steamer.

Khan Bahadur Maulvi AULAD HOSSAIN KHAN: Will the Hon'ble Minister be pleased to state if Government contemplate connecting these places with district headquarters by any motorable road or any other means of traffic?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: One of the policies which we are now following is to give preference to road schemes, connecting the subdivisional headquarters with district headquarters. It has not been possible to give effect to it because we became road-minded pretty late and the schemes which we have already taken up with the same object in view in other districts will require all the money we can allot for this purpose.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to give a general idea of the time by which the Tangail-Mymensingh Road can be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid it is very difficult to give a reply to this question offhand, but as will be noticed from the budget we have made provision for a fairly decent amount for this year's work and we are going to make provision for a similar amount in the coming year.

District Board Road between Bibirhat and Nazirhat in Chittagong.

7. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that the District Board Road between Bibirhat and Nazirhat, police-station Fatikchari, in the district of Chittagong, is an important road in the district;

(*ii*) that it has been given the third place in Mr. King's report;

(*iii*) that the Hon'ble Minister personally saw the deplorable condition of this road when he visited Fatikchari last year; and

(*iv*) that the said road is submerged under water and mud during the rainy season and infested with dust during the dry season?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of giving it the second priority in Mr. King's report in preference to Dhoom-Ramgarh Road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Yes, but of local importance only.

(*ii*) No.

(*iii*) Yes.

(*iv*) I have no information.

(*b*) Does not arise.

Construction of the Sarta Bridge over the river Halda in Chittagong.

8. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state when the Sarta Bridge on the Chittagong-Hathazari-Magachari District Board Road over the river Halda in the district of Chittagong will be constructed?

(*b*) Have the Government received the survey report and the plan-estimate of the said bridge from the Chittagong District Board? If so, when?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) I am afraid I cannot definitely say when the actual construction work can start.

(*b*) No. Does not arise.

The Bengal Court of Wards Ordinance, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I have your permission to lay before the Assembly under section 88 (*2*) (*a*) of the Government of India Act, 1935, the Bengal Court of Wards Ordinance, 1941, as promulgated by the Government of Bengal under section 88 (*1*) of the said Act?

(The Ordinance was laid on the table.)

The Bengal Motor Vehicles Rules, 1940.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to lay before the House the amendments to the Bengal Motor Vehicles Rules, 1940, made by the Government of Bengal under notification No. 123Pl., dated the 22nd January, 1941, and others that have appeared in the Gazette from time to time.

(The amendments were laid on the table.)

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, where are those amendments? The Hon'ble Sir Nazimuddin laid something but we have not got anything yet.

The Hon'ble Khwaja Sir NAZIMUDDIN: You will get it afterwards.

Mr. SURENDRA NATH BISWAS: Sir, as was done on the last occasion, can we not demand that a committee be formed by the Government to consider those amendments?

Mr. SPEAKER: I have not personally looked into the matter, but since you have raised this question I will look into it.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I make a statement, Sir? The point is that we have taken the earliest opportunity——

Mr. SPEAKER: They should have been before the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not moving any resolution on this. I am only placing this before the House.

Mr. SPEAKER: It is very inconvenient if papers are distributed in the midst of a sitting. Of course sometimes it is inevitable, but what I want to suggest for future is that if possible it should be done just before the House meets.

Mr. SASANKA SEKHAR SANYAL: The point is that so long as Government is hatching something, we may not be taken into confidence.

Mr. SPEAKER: It will not matter much if the eggs open out 15 minutes earlier (laughter).

Mr. M. SHAMSUDDIN AHMED: May I ask whether it is intended that these amendments should be the subject of discussion in the House?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is what I was going to explain. According to the Act and the rules these amendments have to be placed before the Legislature and the Legislature has the right within the session to amend them. Therefore, I have taken on this occasion the earliest opportunity to place the amendments before the House. If the honourable members think that there is any necessity for a discussion, then either we can informally discuss them, or if there is a general desire, or if there are many objections to the rules, then

we may follow the procedure that was adopted on the last occasion, *viz.*, having a Joint Select Committee of both the Houses to discuss these rules. But I feel that it is not necessary to move for a Select Committee *ab initio*, because it is possible that as these rules are only few amendments to main rules which have come up either on the advice of the Regional Transport Advisory Board or perhaps on the initiative of the Government they may not be controversial and may not require any discussion by the House. In view of the practical difficulties that have been found in working the rules, it is possible that the members may not want to discuss or change the proposed rules, or it may be that there will be just one or two slight modifications which, by private discussion, Government can accept and the rest of the House will accept the amendments.

Mr. SANTOSH KUMAR BASU: I am thankful to the Hon'ble Home Minister for the statement he has made. At the same time, I desire to make it clear that so far as the rights of the House are concerned——of having these rules discussed by the House,——we are not going to surrender those rights. Unless it is made perfectly clear by the Home Minister that he has no such intention, this matter can stand over till some other day for discussion, if necessary.

Report of the Bengal Land Revenue Commission.

Mr. SPEAKER: We will now take up discussion on the Report of the Bengal Land Revenue Commission. This debate is likely to take two days. I must at the outset speak to the honourable members that unfortunately for the last two or three days I have been suffering from slight fever. I am not quite well. In case I am not able to be present throughout, I hope the House will pardon me.

Mr. M. SHAMSUDDIN AHMED: May I know whether the Government has any proposition in view so far as the Land Revenue Commission's Report is concerned? What is the meaning of this haphazard discussion?

The Hon'ble Mr. H. S. SUHRAWARDY: What do you mean by your proposal?

Mr. SASANKA SEKHAR SANYAL: What have you been doing so long?

Mr. SYED JALALUDDIN HASHEMY: I am afraid, the motion of the Hon'ble Sir Bijoy Prasad Singh Roy is not in order. In stating

my point, I submit that first it does not clearly express anything, secondly, my submission to you is that it does not raise any definite issue. My third point is that it is not a parliamentary practice to discuss the report of a Commission appointed by Government in this fashion. In this connection, I submit, you can take up any report of any Royal Commission and the procedure adopted by the Mother of Parliaments. Even the other day a Commission was appointed for framing the constitution of India which was placed before the parties in a Round Table Conference. The Government formulated a definite scheme or proposal and placed it before the House of Parliament by a Bill. Here the Hon'ble Minister comes forward with a proposal that the matter be discussed. We want to know what actually perturbs the Government; otherwise, we cannot discuss anything. Sir, the Government have full 13 months' time to formulate the scheme. We will decide whether we shall accept it or partially accept it, reject it or partially reject it. Let them come forward with a Bill. We will then get an opportunity to amend it in a manner we think proper. My submission to you, Sir, is that you will follow the parliamentary practice. These three days or two days, as you have just observed, will be spent for nothing. I will beg of you to follow the parliamentary practice and hope that you will not allow Government to bring such a haphazard motion. Sir, if you go through these rules, you will find that nowhere there is any provision. He has got no authority to move such a motion before this House. That is my point of order, Sir.

Mr. SPEAKER: I wish, all our common sense will not be confined within the corners of that blue book which the honourable member has pointed out. I do welcome a debate of this nature, not from the point of view of getting a decision by Government, but for the fact that this will give an opportunity to the House to discuss the different aspects and the pros and cons of the report. Whether Government have taken a long time or not—with that I have no concern. Last time Government pointed out that there were some technical difficulties and that was why this report could not be discussed. But taking the matter merely for the purpose of discussion is a perfectly parliamentary form. At present war questions are being discussed in Parliament without coming to a definite decision. Similarly, questions which should not be voted upon are also discussed. That gives Government an opportunity to get different points of view before coming to a decision on this momentous issue. Instead of disallowing this motion I would rather welcome this if Government from time to time place matters of public policy before this House, so that it might be the proper forum where the different stand-points may be discussed. I hold that this motion is in order.

Mr. SASANKA SEKHAR SANYAL: Before the motion is taken up for discussion may I be permitted to follow up the observation of Mr. Hashemy by a few words? On the 1st April, 1941, you have just referred that there were certain technical irregularities which stood in the way of discussing this matter. If you will be good enough to refer to the proceedings of this House on the 1st of April, 1941, you will find that certain objections were raised on behalf of the Opposition. One of them was withholding of Mr. Gurner's Report. The other was that the time allotted was too inadequate, and the third was that Government must come out with some sort of a case which will indicate the Government's attitude towards the whole question. I quite appreciate your anxiety to have the matter discussed, but we on this side of the House must express our anxiety not to go into discussion in the vacuum. You have been good enough to refer to the war situation in England, but every discussion there is raised on a particular issue. But what is the issue that is going to be placed before the House? I could have understood if the Government before the matter was placed for discussion had considered the question——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. After you have given a definite ruling, how could the matter be raised again?

Mr. SPEAKER: I do not think he is now challenging my decision that this motion is in order.

Mr. SASANKA SEKHAR SANYAL: No, Sir, I was only discussing the wisdom and propriety of the matter.

Mr. SPEAKER: I hope you will be very short.

Mr. SASANKA SEKHAR SANYAL: My submission to the House would be that if we really want to arrive at a really wise decision resulting from sober discussion of different problems before us, in the first place, we must have adequate time, in the second place we want to know what is the Government attitude towards this question, so that we can apply our wisdom and thought——

Mr. SPEAKER: Let him move and let him explain.

Mr. SASANKA SEKHAR SANYAL: What will he explain?

Mr. SPEAKER: He might explain what the reason is for the delay, what steps Government propose to take and what programme Government propose to follow.

Mr. SASANKA SEKHAR SANYAL: With regard to the time, Sir, at the last session you yourself were good enough to say that two days or a few hours would not be enough to do justice to the question. As a matter of fact, the matter was postponed on a definite understanding on two questions, *viz.*, (1) that Mr. Gurner's report should be available and (2) that there should be a specially allotted time adequate for the discussion of this momentous subject.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the report of the Bengal Land Revenue Commission be discussed.

The object of the motion tabled by Government is to afford an opportunity to the House to express its opinion on the far-reaching recommendation of the Land Revenue Commission affecting the life of over 80 per cent. of the people of this province so that Government might in framing their policy take into consideration the views expressed by the popular representatives. I may make it clear that Government at this stage do not desire to express their own opinion on the recommendations (Mr. SASANKA SEKHAR SANYAL: Why?) because their idea is to ascertain your views and then to form, modify or recast their opinion on the different issues in the light of your views with due regard to the financial, administrative, social and economic implications of the proposals. (Mr. M. SHAMSUDDIN AHMED: Why not philosophical?)

It is neither necessary nor possible for me during this discussion to touch all the issues raised in the report of the Commission. I shall, however, endeavour to focus your attention on the main problems as expressed in the Majority and Minority Report of the Commission and on the analysis by the Special Officer of the Commission's recommendations on some of those problems. I also propose to place before you certain facts necessary for explaining the implications of the principal recommendations.

The object of Government in appointing this Commission was to find ways and means for improving the economic condition of the agriculturists of Bengal and to ascertain incidentally how far the Permanent Settlement had affected prejudicially or otherwise their economic position and the revenues of the province and whether it was possible and desirable to bring about a modification in the Permanent Settlement so as to improve the financial resources of Bengal and the economic condition of the actual tiller of the soil by eliminating the intermediaries between the State and the cultivator.

As soon as the present Government came into power they undertook measures for conferring larger rights and privileges on the *raiyats*—— (*Mr. Shahedali: How?*) by undertaking a comprehensive amendment of the Bengal Tenancy Act in 1938. But a volume of public opinion was in favour of a more radical reform in the land revenue system. It advocated abolition of the Permanent Settlement and elimination of the whole hierarchy of rent-receiving interests beginning from the proprietor to the last grade of rent-receiver who are supposed to intercept a large income and thereby to deprive the State of its legitimate share of the produce from land. There are some who were for mending the system without uprooting it, others were for its total extinction and abolition.

Government naturally could not arrive at any conclusion on this important problem without a proper investigation and appointed an impartial and independent Commission of Enquiry consisting of experts, representatives of landlords and tenants and persons of high judicial experience. Unfortunately the assistance of none of the members with judicial experience was available to the Commission. The report was submitted by the end of March, 1940. On the 22nd April, same year, Mr. C. W. Gurner, I.C.S., was appointed to examine the report mainly from financial and administrative points of view.

The main recommendations of the Commission may be divided into four heads, *viz.*:—

(1) State acquisition of all zemindaries and rent-receiving interests above the lowest grade of cash-paying under-*raiyats*;

(2) imposition of agricultural income-tax;

(3) tenancy reforms;

(4) measure for improving the economic condition of the cultivators.

Of these Nos. (1) and (2) are of primary importance. Recommendations on the remaining two heads are more or less ancillary to them. I, therefore, propose to confine myself to recommendations under those two heads.

Before arriving at their conclusions on (1), *viz.*, State acquisition of all rent-receiving interests above the lowest cash-paying under-*raiyats* the Commission had to examine the problem in its various aspects and there was a difference of opinion on some of the main points. The reasons which led the majority of the members of the Commission to recommend abolition of the Permanent Settlement are as follows:—

(1) The existing system has rendered land revenue almost entirely inelastic for about 150 years and land revenue is substantially less in Bengal than in other provinces.

(2) It has deprived Government of the benefit of more valuable crops, higher prices and the unearned income from the increased value of land and the profit from mineral rights and fisheries.

(3) It has deprived Government of the close contact with and intimate knowledge of the conditions of the cultivators which the *raiyatwari* system affords.

(4) The evils of absenteeism and of management of estates by unsympathetic agents have grown to such an extent that Government have been compelled to employ for the protection of the tenants more stringent measures of legislation than has been found necessary in areas elsewhere which are settled temporarily.

(5) The large number of intermediaries between the zemindar and the actual cultivator seldom possess the incentive or the power to provide any effective means for improvement of agriculture. Government also find little inducement to spend public money the benefit of which would only go to private hands.

(6) There is a steady reduction in the number of cultivating owners of lands and the dispossessed cultivators are swelling the number of *bargadars* and landless agricultural labourers.

(7) So long as the zemindary system remains, it will be difficult to evolve any satisfactory arrangement for revising rents all over the province on an equitable basis or for maintaining the records-of-rights.

(8) It is doubtful if under the existing system the Legislature would ever agree to provide a really efficient machinery for realisation of rent with the result that arrears of rent would go on accumulating and there would be a complete breakdown before long.

(9) The distribution of agricultural income amongst a large number of rent-receivers has not materially helped Government in making up for the loss of land revenue by indirect taxation.

On these considerations, the majority of members of the Commission came to the conclusion that the defects in the present system were such that they could not be remedied by mere tinkering and that the only solution lay in the abolition of the system by acquiring all rent-receiving interests and thus bringing the actual cultivators into the position of tenants holding directly under Government, provided that a practicable scheme of State purchase could be devised on reasonable terms.

In this connection, the Commission also observed that it is difficult to separate the results of the Permanent Settlement from the operation of other causes on the economic condition of the cultivating classes and certainly not the Permanent Settlement alone had been responsible for the general poverty and indebtedness of the agricultural population in Bengal.

In recommending the abolition of the Permanent Settlement and acquisition of all rent-receiving interests the majority of the Commission recognised that the proposal involved a fundamental change in the rural economy of Bengal affecting virtually the whole social and economic structure of the province and it can only be carried out gradually over a number of years and that it would be a most formidable administrative undertaking which will tax to the full all the resources of Bengal.

In the opinion of the Commission the economic difficulties of the agriculturists are primarily due to the ever-increasing pressure of population on land and to the fact that there is not sufficient land to go round. Four-fifths of the cultivated land is sown with only one crop and in the absence of any subsidiary occupation the cultivators have to sit idle during major part of the year. The result of enquiries regarding economic condition of 20,000 families shows that the average cultivated area per family, including the families of agricultural labourers, is about 4½ acres and that the percentage of families holding between 2 acres or less is 41·9 and the percentage holding between 2 and 4 acres is 20·6. Only one-fifth of the agricultural population has just sufficient land for their maintenance in moderate comfort, but without any margin for unforeseen expenditure. But the Commission observes that though the pressure on the land is greater in Bengal than in any other province except Bihar, it is unquestionable that Bengal has a more fertile soil and greater climatic advantage than the other provinces and no province can produce better crops by irrigation than the areas of Bengal in which there is sufficient rainfall. In the United Provinces, Madras and the Punjab the cultivators have to work much harder for crop which are less valuable than those grown in Bengal. On an examination of the economic condition of the cultivators in these provinces, the Commission has unhestitatingly come to the conclusion that the cultivators of Bengal are on the whole better off. The Punjab villages appeared to the Commission to be more prosperous than the average Bengal village because in the former the cultivators have the advantage of good physique, more nourishing food and a more invigorating climate and also because they enjoy large sums in the shape of military pensions.

The minority members of the Commission on the other hand felt that socially, economically and financially State acquisition would be a hazardous experiment and such a scheme should not be framed unless it could be clearly demonstrated that the cultivators would benefit by it.

According to the Minority Report the present economic difficulties of the cultivators are unconnected with the land revenue system. The difficulties are mainly due to—

(1) increase in pressure of population,

(2) Hindu and Muslim laws of inheritance.

(3) the under-employment of cultivators for a greater part of the year, and

(4) fall in agricultural prices since 1929.

These problems according to the Minority Report have to be faced whatever may be the nature of the land revenue system of the country. On the other hand occupancy *raiyats* in Bengal pay lower rates of rent but enjoy greater privileges and protection than the tenants in other provinces. According to the Minority Report subinfeudation has led to a wide distribution of agricultural income and has given an interest in land to a large number of middle class people. By State purchase these people will be deprived of all connections with land resulting in a social upheaval. The compensation that they will receive, will be insufficient to induce them to invest their money in industrial concerns. They will either squander the money or re-invest it in land by purchasing occupancy holdings resulting in the formation of landlordism in the lower strata.

Before inviting your attention to the analysis of Mr. Gurner of the financial implications of State purchase I think I should explain fully the scheme of State acquisition as suggested by the majority of the members of the Commission.

The Commission is agreed that in any scheme of State acquisition it is desirable to remove not only the zemindars, but also all grades of tenure-holders and the interests of *raiyats* and under-*raiyats* in respect of the area which they have sublet. As regards *bargadars*, the Commission observes that although the majority of the members are in favour of making them direct tenants of Government, they are unable to recommend that this policy should be adopted until the interests above the lowest grade of cash-paying tenants have been acquired and until legislation has been passed giving tenancy rights to *bargadars* and fair rents are fixed for them.

The Commission is not unanimous in its finding as to the principle on which compensation should be paid, but it is agreed that compensation must be fixed as required by section 299 of the Government of India Act. In the evidence recorded by the Commission the highest rate of compensation claimed was a rate which would ensure to the proprietors and tenure-holders their existing income. The majority of the witnesses were in favour of following the principle laid down in the Land Acquisition Manual which most of them interpreted to mean 20 times the net profit. The rate which receives more support than any other among the members of the Commission is 10 times, the remaining members propose 12 and 15 times. In the case of *wakf*, *debattar* and other estates devoted to religious, charitable or educational endowments, it is, however, agreed by all members that compensation should be at a level which would produce the existing income, *i.e.*, at 25 times if interest is taken at 4 per cent.

Mr. Gurner postulates that if the scheme of State acquisition is to go through at all, and the constitutional position being what it is, compulsory purchase can only be organised on approximately fair payment to the parties whose interests are bought out. As regards the rate of compensation he observes that unless the rate is so pitched that the number of landholders injuriously affected will be relatively small, there is bound to be widespread discontent. He considers the Maharajadhiraja Bahadur of Burdwan's proposal for payment of compensation at 20 times the net profit as outside the range of practical politics. He is of opinion that if compensation is to be fair and equitable on the whole and not to involve a good deal of expropriation, the flat rate of compensation should not go below 15 years' purchase of theoretical net profit as recommended in the note of dissent of Sir Frederic Sachse and Mr. Carter. He points out the need for safeguards in the shape of rules allowing exemption in individual cases as for instance there should be definite rules for distributing compensation between temporary holder or farmer and his superior landlord and for fixing the rate of compensation on the basis of *malikana* received by a dispossessed proprietor especially when the estate is under Government management. He also suggests that small rent-free holders should be allowed to retain their *khas* lands as free-hold and that all rent-free *raiyats* should be offered a free-hold in his land in return for a moderate payment. He frankly recognises that in the highly specialised question of land valuation, if something more scientific and precise is required, expert professional opinion should be taken by Government.

The Commission is agreed that in principle it would be better to pay compensation in cash, although it is realised that this method of payment might involve greater financial difficulties; if bonds were issued, the market would operate to put a valuation on them and it is possible that their face value might depreciate. Another strong objection to the issue of bonds is that it would involve serious administrative difficulties. Government will have to pay interest either annually or six-monthly or quarterly to millions of persons scattered all over the country and for that purpose Government will have to maintain up-to-date registers containing the names, addresses and shares of each and to make necessary alterations in the entries and mutation of names entailed by sale and succession due to death of previous holders of bonds. But the issue of bonds in respect of *wakf*, *debattar* and other trust properties has been recommended. An alternative recommendation of the Commission is that in case Government are unable to pay in cash, bonds may be issued subject to the provision that small amounts up to Rs. 500 should be paid in cash.

In working out the financial results of State acquisition, the assets of the province have been calculated by taking the total rents paid by all classes of *raiyats* as recorded in the Settlement record of rights and

adding to them an approximate estimate of the income which might be expected to accrue from the *khas* land of zemindars and tenure-holders, from fisheries and forests. The total assets are estimated to be 13¾ crores, from which is to be deducted the income from Government estates—68 lakhs—because the acquisition of tenure-holders' rights in such estates will not form part of the main scheme but will be taken up at Government's convenience. Thus the assets of permanently-settled and temporarily-settled private estates have been taken to be 13 crores. Out of this, deductions have been made on account of (1) the existing revenue demand of 2·41 crores, (2) the landlords' share of the cess of ·46 crore and (3) the cost of management calculated at 18 per cent. of the gross assets. The remaining figures—7·79 crores—is the sum which would have to be capitalised according to the rate of compensation to be paid. At 10 times the net profit, the capitalised sum comes to 77·9 crores, at 12 times to 93·48 crores and at 15 times to 116·85 crores. To this has been added (1) the cost of carrying out revisional settlements estimated at 5·8 crores, (2) a proportion of the arrear rents due to zemindars and tenure-holders to be paid in lump by Government on acquisition estimated at 13 crores and (3) the cost of constructing the necessary buildings for the staff estimated at 1·3 crores. The cost of management by Government as sole landlord has been estimated at 14 per cent. of the gross assets and 10 per cent. of the assets has been provided to cover remissions of rent and irrecoverables. The sinking fund is to operate for 60 years and the interest is calculated at 2 per cent. The result is that there is an estimated profit of 2·23 crores by paying compensation at 10 times the net profit, 1·47 crores at 12 times and ·33 crore at 15 times.

The estimate of the cost of acquisition of royalty right in mines which may be 2·62 to 4½ crores has not been included in the calculation of financial results.

The cost of acquiring such portions of *raiyati* or under-*raiyati* interests as have been sublet has been estimated to be 9 crores, but this sum has not been included in the calculation, because it is not certain whether the existing rents paid by the lowest grade of under-*raiyats* would be considered under State management to be fair and equitable, or whether they would have to be reduced.

The Commission has not attempted to give any estimate of acquiring the interests of landlords of *bargadars*. But it is pointed out that if compensation were paid to the landlords of *bargadars* on the difference between the rate of rent they themselves pay and the value of the share of the produce which they receive from their *bargadars*, the sum involved would be so great as to make any scheme of acquisition impossible.

It has been pointed out that State acquisition will inevitably lead to a decrease in Stamp revenue, as there will be a substantial reduction in title suits and rent suits from which the bulk of Stamp revenue is derived. But the Commission did not find it possible to give any estimate of the loss of Stamp revenue.

The Commission is aware of the immense financial difficulties that Government will have to face in carrying out an operation of such magnitude. The Commission has emphasized that although financial results will have to be carefully considered, it does not support a scheme of State acquisition for financial gain only. If it resulted in a financial gain that would be an additional advantage, but the recommendation is based on other more vital considerations. At the same time it has been realised that it would not be possible to carry out the scheme without reducing by half or even more, the present income of the landlords according as compensation is paid at 15, 12 or 10 times the net profit. And the Commission is not unmindful of the possible social upheaval which may ensue if many of the middle classes lose their vested interests in land.

Mr. Gurner has restated the financial analysis of the Commission after excluding the assets of *khas* lands with the result that in order to acquire net rent-receiving assets of 5·87 crores a capitalised sum of 85·7 crores or 118·6 crores is required according as compensation is paid at 10 or 15 years' purchase. In either case, although acceptance of the lower figure would involve a great degree of expropriation, he doubts if it is really such a good bargain that the State should make the enormous efforts involved. Even then, as he points out, the estimates of the Commission are of little value and the prospect of profit out of the transaction illusory for the reasons (1) that they do not correspond with the Commission's own proposals to carry compulsory purchase as far as the lowest cash-paying under-*raiyat*, or *bargadar* and (2) that they omit many items of material and necessary expenditure. Mr. Gurner has pointed out several factors which will materially affect the Commission's financial analysis. The Revenue Department have worked out the loss accounts under (1) additional cost for *wakf*, *debattar* and trust properties, (2) fall in Stamp revenue, (3) additional cost for acquiring rent-receiving interests above the lowest grade of cash-paying under-*raiyats* and (4) loss on account of the landlords' share of education cess. It has been found that the total loss under these heads will come to 2·83 crores. Hence the increase of 2·23 crores as estimated by the Commission on the basis of compensation at 10 times the net income will be reduced to an annual deficit of 60 lakhs.

On the basis of 15 years' purchase, there will be an annual deficit of 3·36 crores for 60 years. And what are the prospects of a gain after the expiry of 60 years when the entire loan is expected to be paid off? The Commission finds that there is the risk that the level of rent may

become the subject of electioneering campaign and that the tenants whose votes control the Legislature will not tax themselves sufficiently if Government become the sole landlord. Mr. Gurner thinks——

(At this stage the blue light lit up.)

Mr. SPEAKER: How much time will you take?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I will take another 20 minutes.

Mr. SPEAKER: Please try to finish in 15 minutes.

Mr. SANTOSH KUMAR BASU: If Sir Bijoy could cut short his summary of what the Commission and Mr. Gurner have said, he might have said something of his own by this time.

Mr. M. SHAMSUDDIN AHMED: These things we have got in the report. We want to know what the Hon'ble Minister has got to say.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Gurner observes that there is in fact only too much reason to fear that the political influences of the rent-paying classes will result in a depreciation of rental values far below the basis assumed in the Commission's estimate and that apart from the danger of general reduction, the leniency of Government as landlord in times of natural calamities must also be reckoned with. Mr. Gurner has made a review of the tendencies of collection of land revenue during the last 20 years and he has come to the conclusion: (1) that in so far as the Permanent Settlement is replaced by khas mahal demand, although the total demand will increase, the ratio of collections to demand will deteriorate, (2) that realisations from khas mahals will not, unless there is a complete change of system, approximate over a period of years to 90 per cent. per annum, and (3) that there is a real danger at the present moment of a landslide in khas mahal collections and once this materialised, the effects would in all probability react adversely on the collections from the Permanent Settlement which are not entirely free from unfavourable symptoms. I shall now place before you certain facts for proper appreciation of some of the arguments in the Report of the Commission:—

It will not be correct to say that the land revenue has remained inelastic for 150 years. The existing assessment on account of road and public works cess which was imposed in 1871 is about a crore and if cess under the (Rural) Primary Education Act, 1930, is levied in all the districts there will be an additional assessment of about 1½ crores.

Thus there will be an addition of about two-thirds of the present land revenue demand of 3·15 crores in course of 70 years or an increase by 66 per cent. within that period.

It is also desirable to find out what percentage land revenue in Bengal forms of the total provincial revenue. It is 30·8 per cent. excluding the contribution of jute duty by the Government of India as against 31·2 per cent. in Madras, 25 per cent. in the Punjab, 47 per cent. in the United Provinces and 28·1 per cent. in Bombay. Of these provinces, the United Provinces has 10 per cent. permanently-settled as against 90 per cent. temporarily-settled area, Bombay and Punjab are exclusively *raiyatwari* provinces and Madras is only one-third permanently-settled and two-thirds temporarily-settled.

In terms of total rental value, the land revenue in Bengal is 25 per cent. as against 17 per cent. in Madras, 27 per cent. in the United Provinces and 25 per cent. in the Punjab.

In Bengal the average rate of rent paid by occupancy *raiyats* is Rs. 3-5 per acre. In Madras the *pattadars* in the *raiyatwari* area, which covers two-thirds of the province, pay an average rate of revenue which is rather less than the average rate of rent paid by occupancy *raiyats*, but expressed as a share of the value per acre of the produce it becomes rather more than the proportion in Bengal. The proportion of rent and irrigation charges to the gross normal yield per acre of cultivated land is 24 per cent. in Madras, 25 per cent. in the Punjab and 19 per cent. in the United Provinces as against 11 per cent. in Bengal. In the permanently-settled area, where the *pattadars* pay about 50 per cent. more than in the *raiyatwari* area, the rate of rent would be appreciably more. If the Madras system of assessment of Rs. 7 to Rs. 9 per acre for "wet" land, *i.e.*, irrigated land growing rice and Re. 1 to Rs. 1-4 per acre for "dry" land were applied to Bengal, the effect would certainly be to increase considerably the level of cash rents for most of Bengal. As to the under-tenants, they are certainly worse off in Madras having the status of tenants-at-will and paying half of the gross produce as rent, or when it is paid in cash nearly half the value of the gross produce. In the United Provinces, the average rate of rent for all classes of tenants is Rs. 6 an acre and represents approximately one-fifth of the value per acre of the produce. The level of rent is nearly twice as high as the level in Bengal, and having regard to the value of the produce it is about three times as much. The sub-tenants in the United Provinces are also tenants-at-will holding from year to year and paying half of the crop as rent. In the Punjab, expressed as a proportion of the value per acre of the gross produce, the average of the land charges paid is higher than the average rate of rent in Bengal, while the under-tenants with the exception of a small minority are hardly better off than the *bargadars* in Bengal. Considering the level of rents obtaining in the Provinces of Madras, the

United Provinces and the Punjab, the value of produce and the prevailing economic conditions, the Commission is of opinion that there would be justification for enhancement rather than reduction of rent in Bengal.

Although Mr. Gurner is definitely of opinion that the financial prospects of State purchase are illusory, he observes that these are the risks which the country must face if it is to try out the full value of Provincial Autonomy and that the ability of the rent payer as citizen to maintain the assets of the State as landlord will be the acid test of political capacity. But Mr. Gurner has advised Government against taking an irrevocable step but only to make cautious move with a self-contained experimental measure which would not imply financial disaster if the results proved a failure or the policy were subsequently reversed. To do otherwise would be to repeat, in revising the Permanent Settlement, the mistake which marred its introduction, of applying to the whole province, a preconceived theory of agrarian reform which has not been sufficiently tested in actual working. He has, therefore, proposed that legislation should take general powers to be brought into force in such areas and at such time as the Government may decide from time to time.

The next important recommendation of the Commission is imposition of agricultural income-tax either as transitional measure until completion of State purchase or as a permanent measure if Government decide against purchase. The Commission anticipates that even if Government decide to proceed with State purchase it will take at least 30 years to complete the scheme, because without revision of the record of rights it is not possible to proceed with it satisfactorily. In this connection, the Commission has suggested a minimum limit of Rupees one thousand and that attempt should be made to come to an arrangement with Central Government regarding the collection of tax on income exceeding Rs. 2,000 which are partly agricultural and partly non-agricultural. The Commission is strongly of opinion that such a tax, if imposed, should be solely for the improvement of agriculture or for projects connected with agricultural improvement.

The minority view is against imposition of agricultural income-tax on grounds stated in the minority note of dissent in pages 243 to 247. But in case Government decide otherwise the minority report suggests certain line of taxation and an important one is that every *touzi* which is not left with 25 per cent. or any reasonable margin of income after payment of revenue or rent, existing cesses and other rates should be exempted from agricultural income-tax. That the income-tax should accrue only to the actually realised net incomes and in calculating the same recurring grants by landlords under legal obligations should be taken into account, *e.g.*, endowments. In this connection I think it is my duty to draw your attention to the fact that provinces which have

imposed agricultural income-tax, *viz.*, Bihar and Assam, have no education cess, so that if Government decide to impose agricultural income tax in Bengal it will be in addition to an imposition by way of education cess amounting to nearly one crore and 25 lakhs. The minority report also strongly suggests that agricultural income-tax if imposed should be earmarked as provincial revenue to be distributed in proportion to the agricultural needs of the districts.

Sir, I hope I have succeeded in placing before the House in a nutshell the recommendations of the Commission, the minority view and the analysis of the different problems by Mr. Gurner. I now request the House to proceed to express their opinion on this momentous issue dispassionately giving the subject the attention that it deserves. Sir, I may repeat that the fate of the future of agriculture in Bengal and the fate of economic development of this province depend largely on the decision that the House will take on this matter. By a wise decision you can certainly make the future of your province and by an unwise decision you can mar the future. The House will, I hope, approach this problem with the full sense of responsibility that the subject deserves.

Mr. SPEAKER: The procedure I suggest in a motion of this character is, immediately after the motion is moved, to put it to the House whether the House wants to discuss the report or not.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, before you put it to the House, through you, I want to ask whether Government would not be pleased to formulate the issues on which——

Mr. SPEAKER: I am sorry I cannot allow it. You can ask that question later on.

The motion that the report of the Bengal Land Revenue Commission be discussed was then put and agreed to.

Mr. SYED JALALUDDIN HASHEMY: May I suggest, Sir, that the lengthy speech of the Hon'ble Minister be circulated to the members so that it may be read along with the original report?

Mr. SPEAKER: I thought that you had heard everything.

Mr. SYED JALALUDDIN HASHEMY: It is impossible to remember everything.

Mr. NIHARENDU DUTTA MAZUMDAR: The question that I wanted to ask——

Mr. SPEAKER: I cannot allow that.

Mr. ABDUL WAHAB KHAN: The principal point in the Floud Commission Report is the question of State acquisition of zamindari right. The Commission has very pertinently quoted relevant extracts to prove that it is within the powers of the autonomous Government to abolish Permanent Settlement. The zamindar members of the Commission have, however, in the note of dissent stated that without the overwhelming backing of public opinion such a revolutionary change should not be effected. But we are all aware of the election manifestos of the major political parties in the last election, from which it will appear that they are all pledged to support abolition of Permanent Settlement. Public opinion has thus expressed itself already. It is now only the question of compensation which should be determined. From Mr. Gurner's report it appears that the Advocate-General has held that some compensation has to be given to the zamindar, but it need not be full compensation or market value but only what the Legislature think fit. From the rent history of Bengal, Khan Bahadur Saiyed Muazzamuddin Hosain has traced in his note of dissent that the rents of Bengal have been enhanced at least by 160 per cent., since Permanent Settlement, although there were definite instructions from the Court of Directors to the effect that the current rent of the *raiyat* should be as certain as the revenue of the zamindars. The landlords have expropriated the *raiyats* to the extent of 500 crores by enhancing rents and if this be adjusted against the compensation even at 20 times of the landlord's profit the landlord should not only not get anything but should disgorge 400 crores. These important factors should be given due weight in fixing compensation and I think it will be more than right if only 5 times is given as compensation and that at a graduated scale, say, from 2 times to 8 times—the larger estates and zamindars having less, as their market value is much less.

Public opinion has already expressed itself, the Commission have also by a clear majority found in favour of abolition of Permanent Settlement and it is now up to the Legislature to give effect to the recommendations and stop for ever the absurd practice of allowing more than three-fourths of the land tax to be appropriated by a class of individuals for their private benefit, enjoyment and luxury while for want of money in the coffers of the State our education, our agriculture, and our industries are being starved to death. We must abolish Permanent Settlement and must bring the actual tillers of the soil in direct touch with the State. But I agree it will take a few years to give full effect to State acquisition. In the meantime we should do all we can to improve the lot of the *raiyats* who are the backbone of the country and to improve our finance for introducing ameliorative measures.

The following are some of the important recommendations of the Commission regarding which there will be very little difference of

opinion and there are no insurmountable difficulties in giving effect to them almost immediately. It is therefore our united demand that the Government should declare their acceptance of the recommendations on the floor of the House and should state definitely by which date they will be in a position to give effect to them :—

The imposition of an agricultural income-tax has been recommended unanimously by the members of the Commission and they have also recommended that the whole tax should be applied solely for the improvement of agriculture (*vide* paragraph 137, page 64). Government should immediately give effect to this recommendation. Agricultural income-tax may be provisionally fixed on the basis of assets determined at cess revaluation, 20 per cent of the assets being however deducted on account of cost of collection and non-realisation. Any assessee proving less collection might be given refunds at the end of the year.

The Commission in paragraph 152 of their report have recommended that transfer of *raiyati* lands should be restricted to families owning less than 20 acres (or less than 5 acres per head) in order to prevent accumulation of large quantities of land in one hand except for scientific large scale farming. A Land Alienation Act on these lines should be enacted at once.

The Commission has recommended small irrigational schemes for increasing the twice cropped area (*vide* paragraph 213 of the report). Government should set apart Rs. 5 lakhs or so annually for these small irrigational works and Government should initially bear the entire cost of such works and should get these works done through Director of Village Reconstruction. One-third or one-fourth of the cost might be recovered later on in easy instalments after the land is improved.

The Commission in paragraph 226 of their report have recommended that in view of the pressure of population on land, Government should take the initiative in the development of factories in rural areas and of cottage industries and that this could be done by Government's purchasing a certain percentage of share, by guaranteeing dividends up to a certain limit or by assuring the purchase of a certain quantity of manufactured articles. Government should at once find out what local industries are struggling and what new industries can be started in rural areas with prospect of profit and should start encouraging them as recommended by the Commission. As an encouragement to cottage industries they should start State-financed cottage industry factories with the men of the Department of Industries who have been trained in various cottage industries and should eventually sell off the factories to the employees after raising the share capital from their pay at a monthly rate of 6½ per cent. or so.

In paragraph 276 of the report, it is stated that in the opinion of the majority there is no justification for enhancing rents of *raiyats* so long as the present land revenue system remains unaltered, as the increase in rent due to enhancement would not be returned to the *raiyats* in the shape of improved social services. In paragraph 37 of their report the Commission has quoted an extract from the despatch of the Court of Directors sanctioning Permanent Settlement from which it will appear that it was one of the objects of Permanent Settlement to make the rents of *raiyats* as fixed and certain as the revenue of zamindars. The report however states that no provision to that effect was made in the Permanent Settlement Regulation of 1793, but the Commission evidently overlooked the provisions of Regulation IV of 1794 to which pointed attention has been drawn in the note of dissent of Khan Bahadur Saiyed Muazzamuddin Hossain, page 282, which was really the Peramanent Settlement Regulation of *raiyats*, but its provision became infructuous on passage of *Panjum* and *Haptum* regulations giving arbitrary powers of distraint and dispossession to zamindars for ensuring punctual payment of Government revenue on which alone the success of the Permanent Settlement scheme depended. But whatever the effect might be, there is no denying the fact that Court of Directors had ordered rates of rent of *raiyats* to remain fixed and unaltered for ever and actually a regulation to that effect was passed within a year of enactment of Permanent Settlement Regulations. The *raiyats* were however weak and the zamindars on being armed with arbitrary powers, the former could not retain the rights as solemnly given to them as to the latter. In the face of these facts with what show of justice and equity can the present Legislature even now allow further enhancement in the rents of *raiyats*, especially when at pages 256 and 257 the representatives of the zamindars in the Commission in their note of dissent definitely disclaim all right to enhance rent of *raiyats* except for improvement effected at their (zamindars') cost? In their note of dissent at the bottom of page 246 of the report, the zamindar members definitely say, "We do not seek to enhance rents ordinarily and stand for fixity of rents in normal circumstances. It is only in the case of improvements effected by landlords that a legitimate return for their investments should be assured." The phrase "We (zamindars) stand for fixity of rent" is very significant. How can after this any question of enhancement of rents of *raiyat* arise except on the ground of improvement by zamindars? Should not the Legislature once for all set at rest the question of enhancement by landlords by restricting it definitely on account of improvements at landlords' cost? We think they should go further and enhancements made on other grounds if proved in court should be declared as non-realisable. This will be only consistent with their own admission. Instead of driving the *raiyats* to law courts, it will perhaps be better to enact a law declaring all enhancements made by landlords unrealisable except

for improvement made by them and amending the Bengal Tenancy Act to the effect that the enhancement sections except only the one regarding enhancement on the ground of improvement by landlords, are inapplicable to tenants of permanently-settled area.

The above five points are our immediate demands and we do hope they will be accepted by the Government.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha, Mymensingh: Mr. Speaker, Sir, amidst reports of the Commission and their comments and various other speculations we have not yet been apprised of the definite policy of the Government. From consideration of surrounding circumstances, I would not have thought the present moment to be a very proper occasion for the discussion of such a controversial subject which involves the interest of a large number of people in the province. I do not propose to waste our time at this stage over the theoretical discussions about the contrary claims of the State, zamindars and tenants about the proprietorship of land. Let us consider the problem from the practical standpoint.

I would ask you to remember that the landed proprietorship has, of late, been the first point of attack by successive expropriatory legislations. Before the Bengal Tenancy Act of 1928, the value of proprietary interest was between 30 to 40 times of the net profit. After the legislation of 1928, the value deteriorated to 20 to 25 times. Again in 1938, legislation took away the rights to pre-emption and transfer fee amounting to about 40 lakhs of rupees a year. The imposition of education cess has reduced the value still further.

Besides, the imposition of the burden of collecting road and public works and education cesses, free of cost, entail a sacrifice of about 25 per cent., which includes costs of realisation and unrealised amounts. Landholders collect on behalf of the Government cesses of over 40 lakhs of rupees of the tenants' share and as regards the education cess, so far as Mymensingh is concerned, over ten lakhs of rupees are realised. So, if further impositions continue, we can very reasonably apprehend that the value of landed interests may be reduced to "nil" and in that case the question of multiples of compensation will no longer trouble anybody. If this state of things be allowed to continue, who will hereafter feel any sense of security with respect to any right in property, be it zamindari, tea estate, mill or any other profitable industry?

The Land Revenue Commission has recommended a scheme of State acquisition of landed interest, though the evidence produced before the Commission is over-whelmingly against it. Acquisition should generally be on the basis of consent of the parties for any scheme of compulsory acquisition without adequate compensation is bound to react on the security of any form of private property. If, however, the Government still persist, then, in my humble opinion, they should first select

a particular area for trying the experiment, because I have every reason to believe that it will prove to be a failure. The tenants being encouraged by the trend of present-day legislations are disinclined to pay their rents and other dues and are gradually developing a mentality of non-payment of dues.

Considering the above, if Government thinks that State acquisition will be profitable to the Public Exchequer, then in all fairness, they should purchase the entire interests from the topmost right down to the lowest with proper price. By proper price I mean the sum the return on which will yield, at least, to the recipient his present income. The proposed flat rate scheme is arbitrary, as no discrimination is proposed to be made as to the comparative value of different kinds of lands yielding varying degrees of income, and partial acquisition of a few upper interests will only mean shifting the rights from one class to the other. If without paying the proper price, the State expropriates them, it will be driving the expropriated people to desperation.

Now, the main criticism against the present land-tenure system of Bengal, as far as I can understand, is (1) that the Public Exchequer suffers from an inelastic system of permanent revenue, (2) that the State has no direct contact with the actual cultivators of the soil, and (3) that the agricultural improvements are lacking in the present arrangement.

As regards the financial loss of revenue to Government, my answer is that though the incidence of rent is the lowest in Bengal, the incidence of taxation is the highest. Taxation in Bengal per head is Rs. 7-8 as against Rs. 5-11 in Madras, Rs. 3-6 in United Provinces and Rs. 1-13 in Bihar. The central taxation per head is Rs. 5-3 in Bengal as against Rs. 1-11 in Madras, annas 9 in United Provinces, and annas 2 in Bihar (page 346, Volume I). Bengal pays 36 per cent. of the total income-tax, i.e., the highest (page 522, Volume V). Again, out of the entire Stamp revenue more than one crore and a half is due to the present landed system. Thus, it cannot be said that there has been any financial loss in Bengal owing to the Permanent Settlement.

Again, if the State comes into direct touch with the actual tillers of the soil, the tendency of non-payment, as I have indicated before, will constantly keep the public revenues in a state of flux and uncertainty. In that case, there is every risk for the State to incur financial loss.

As regards agricultural improvements, my submission is that successive tenancy legislations have kept almost no scope for the display of personal initiative by landlords. Rather, I would suggest a provision is urgently necessary in tenancy Acts to enable people to acquire lands with proper price for improved and scientific agriculture. Again, it has been suggested that State acquisition apart from its financial

aspect, is to be justified mainly on the ground of strengthening the relations of Government with the actual cultivator. I submit, Sir, it is a mere sentiment with neither any practical gain to the State nor any improvement as to the lot of the cultivators. Besides the Commission is definitely of opinion that no fixity of rent can be guaranteed to the tenants. In that case tenants have nothing more to gain. In case of State acquisition too, they will have to pay rent and other dues.

The problem of uneconomic holdings, due to pressure of population on land, cannot be relieved by State acquisition of superior rent-receiving interest. State devoid of the motive force of personal gain cannot be expected to effect agricultural improvement, financial limitations of the State also stand in its way. *Raiyatwari* areas in other parts of India—as *raiyatwari* system has been expressed to be the aim of the Land Revenue Commission—do not bear any proof of State activity for agricultural improvement. The situation may, of course, be otherwise, if the entire lands including tenants' rights are appropriated by State and lands are redistributed so as to form economic holdings. In that case, too, future subdivisions either by transfer or succession are to be barred for ever. Again it is very doubtful if State is in a position to undertake the heavy financial burden it may involve, and it is also to be seen if State shall in that case be able to employ the surplus population that will necessarily be relieved of agricultural occupation.

So, Sir, the real palliative for this chronic malady of rural poverty does not lie with the present system of land tenure. It is to be sought elsewhere. No good will be done by expropriating landed interests except exasperating a large body of loyal citizens and burdening the State with heavy financial burdens. If again the problem of agricultural improvement is a pressing one, the present-day communistic tendency of non-payment of rent and other legal dues is no less pressing. Private landlords and even the Government are feeling the difficulties in realising rents.

On these, Sir, I would press on your consideration to appraise the practical effects of the proposed scheme of appropriation and a general sense of insecurity with respect to rights in private property it will create and most earnestly ask to put a stop to continual disturbance of the economic relations of our people and remedy the loss that the infringements of rights have caused to landowners, and in fairness and equity, as in other provinces, the land-owning community should be provided with proper facilities for realising rents speedily and effectively as they have to discharge their financial obligations to the State under the Sunset law.

Again, in conclusion, Sir, I would ask all to bear in mind the ultimate good of both the landlords and the tenants and I think the

Permanent Settlement in lands and the security it confers on rights to property are the best assets that tenants and landlords can count upon for the ultimate welfare of our province.

Mr. SYED JALALUDDIN HASHEMY: Mr. Chairman, Sir, I heard with rapt attention the speech read by the Hon'ble the Minister, but I must confess that the Hon'ble the Minister did not throw any light over and above the report submitted by the Commission. Sir, as a good Professor of Chemistry he has fully analysed microscopically the various points and issues raised by the Commission, but before I give my views on the recommendations of the Commission I would like to remind the House the solemn pledge we gave just on the eve of our general election. Sir, it was in the year 1936 that we assured our constituency that it should be our primary duty to abolish the zamindary system with the Permanent Settlement. Sir, the Commission was appointed by the Government in the year 1938. I will analyse and show the speed and earnestness with which this Government has so long dealt with this vital problem. That Commission was appointed in 1938. Government did not know their own mind. After one year of the appointment of the Commission three more members were added to it possibly to add to the voting strength of the Commission. Sir, the Commission submitted its report in two years' time in March, 1940. The same report was submitted again to one Special Officer of the Government, Mr. Gurner, to analyse and report on the report and that was in July, 1940. To-day is the 28th of July, 1941. After full 13 months Government has come absolutely with no proposal. It has come here with the request that we should discuss this matter. What should we discuss? Sir, it was the definite opinion of the overwhelming majority of the people of Bengal that zamindary system with Permanent Settlement should be abolished. I maintain that view that this system should not be allowed to continue and it must be abolished, but, Sir, I am afraid Government is not serious. Sir, according to the Government of India Act, 1935, this is the last session of this House. Had Government been serious, it ought to have drafted a Bill and placed it for the consideration of this House this session. We will discuss this report along with the report of Mr. Gurner. Government will possibly invite another Round Table Conference consisting of zamindars and tenants and they will also submit their report and that will again come before us for our consideration. Sir, this is the way of shelving a question affecting a vital question of this country.

Sir, I must congratulate the Commission for accepting the fundamental, that is, the Commission has definitely recommended the abolition of the zamindary system. The questions that have been raised by the Maharaja, namely, the question of obligation, the question of other things, the question of justification, do not arise at all. There

might be some justification for the East India Company to do this and to do that. There might be some obligation of the then Home Government with regard to the permanence of zaminary right. But, Sir, Acts are repealed. Acts are made by the Legislature, Acts are made by Parliaments, and Acts are repealed. This is the custom in the Parliament of every country. Sir, we are out to repeal that Regulation of 1793. We may differ from the Commission in some material particulars, that is, we differ from the Commission with regard to the question of compensation.

It may be 2½ per cent.; it may be 5 per cent. as suggested by Mr. Abdul Wahab Khan; or it may be 7½ per cent. I have also my individual opinion, but not the opinion of the party to which I belong. The opinion of the party will be expressed by the leader of the party, but my individual opinion is this and I have no hesitation in holding that opinion that there is no reason why any compensation should be given at all to the zamindars in Bengal, particularly to the old zamindars who are enjoying zamindari from the time of the East India Company. They have profited much, they have benefited much, they have exploited much. So, Sir, the question of giving compensation to the zamindars who are enjoying zamindari from the days of the East India Company hardly arises. With regard to the zamindars who have recently purchased zamindaries, Sir, we may consider their claims with regard to compensation that is to be given to them. In this respect, Sir, the Advocate-General's opinion is very clear. We are the authority to decide whether compensation should be given to the zamindars or not. It is up to us to decide that. We may give them 2½ per cent. or 5 per cent. or more than that, but I must tell those zamindars very clearly that there are bad investments and good investments. My European friends know very well that there are bad investments as well as good investments. If it is a bad investment, naturally they will incur loss, and so, Sir, the new zamindars made a bad investment and as such they have no justification to claim substantial compensation from this Government. To claim compensation means that the poor peasantry will again be oppressed and exploited. My personal view is that no arrears should be paid either to Government or to the zamindars.

Then, Sir, it has been suggested that the rate of rent should be reduced by Government and that half should go to the zamindars along with compensation. The Commission suggested that there should be no reduction of rent. They have maintained that the rate is fair and equitable. Possibly they have said that, but my personal view is that the rate should be reduced at least to the extent of 50 per cent., *i.e.*, half. If you ask me, Sir, I can say that I am in favour of peasant proprietorship, and that nothing short of peasant proprietorship will satisfy me. We will develop our agriculture and our agricultural produce will be taxed and I am sure that if it is done under a National

Government, the revenue that will come to the coffers of Government from land will amount to more or less 2 crores and 40 lakhs of rupees. It cannot exceed Rs. 3 crores and in that case, Sir, we will get more revenue from agriculture.

Our aim and ambition is peasant proprietorship.

Sir, I quite realise that some money was invested by the zamindars and the land in some cases was developed by them and in some cases out of charities they have started some schools or hospitals or other public utility concerns. For that they can claim compensation, but our claim is the claim of the right to live. Peasants only want to have the right to live. In spite of the big charities of zamindars of Bengal towards the public utility concerns, what is the condition of the peasants of Bengal to-day? I can say, Sir, from my personal experience that this year particularly 90 per cent. of the peasants of Bengal are not getting two square meals a day. Sir, this is the net result. The minority view is that this is due to this and that, that this is due to the inheritance laws, that this is due to the social condition of the Hindus and Mussalmans, that this is due to the birth rate and other things. (At this stage the blue light lit up.) Sir, Government was given full one hour. Each member wants 20 minutes.

Mr. CHAIRMAN (Mr. Sarat Chandra Bose): You have still three minutes more.

Mr. SYED JALALUDDIN HASHEMY: Thank you, Sir. I will put forward my proposal before Government. If Government is serious, if Government means business, if Government do not propose to shelve this matter, I ask the Hon'ble the Revenue Minister to come forward with a Bill this session. The report is there. We are not students that we should require an analysis from a Professor or from any Minister. We know the condition of Bengal ourselves. We understand things ourselves. So, I ask the members of the Coalition Party to be serious in the matter. I know that several members of the Coalition Party including Mr. Jasimuddin Ahmed will give notice of a resolution to the effect that the report of the Land Revenue Commission be given effect to by the 31st December, 1941. I say here that the members belonging to the Coalition Party should be serious and should maintain the view that on this report which we are discussing to-day Government should be forced to formulate a Bill. Questions of payment of compensation, arrears of rent or reduction of rent are mere details. We will put forward our amendments to the Bill according to the viewpoints of our Group. That is immaterial; no discussion is necessary. I maintain this view and I say again that to allow this matter to be discussed in the House is to shelve this matter for good. This business should have precedence to any other business that is on

the list of business. We can suspend for the time being the Calcutta Municipal Bill; we are prepared to suspend for the time being the Secondary Education Bill and other Bills, but, Sir, this business cannot wait.

The Revenue Minister has laid a great stress on the question of minority view and has requested us to consider the pros and cons of the minority view of the Land Revenue Commission. Sir, we have considered it. We have considered it twice. We maintain and make it clear to him and to others of his way of thinking that we are not prepared to consider these matters any longer in view of the fact that the peasants have a right to live. The conditions of the peasants require immediate improvement. Therefore, Sir, the question of minority view does not arise.

Mr. J. W. CHIPPENDALE: Sir, we are thankful to the Floud Commission, its Secretary and the staff for the immense pains taken, to simplify so complex a problem and for putting the issues arising therein, so clearly before us. The most important point which arises for discussion is "What is the benefit which accrues to the cultivating *raiyat*? What does he actually get which he does not now possess?" The whole difficulty to my mind, consists in the army of middlemen who stand between the zamindar and the agriculturist and take a share in the rent paid. They do nothing to earn that share. They are more in the nature of parasites and they should be the first to go. No tenures or under-tenures of any kind should be permitted to come between the man who cultivates and the rent-receiver, whoever that may be, whether the Government or a private individual. The zamindar with all his faults, has hitherto, wittingly or unwittingly, rendered a great and distinctive service as a buffer between the tiller of the soil and the State. When anything went wrong, there he was ready to be blamed by everybody including the public. Now, when the Government intends to buy over his interests and stand in his place, the Government must also be prepared, in every way, to meet agrarian troubles of every kind and to take the most effective measures to quell them, when necessary or imperative. There will be no buffer at that time nor any scape-goat on which the sins of the many may be laid. Furthermore, if and when the Government buys up the interests of the zamindar and of the middlemen and stands in their shoes and comes into direct contact with the cultivator, will that help matters at all? I assure you, it will not help either the Government or the cultivators of Bengal. Something more is needed, otherwise the old evils will reappear but in another name and form. What is needed is to split up agricultural lands into small holdings. The unit holding to be neither too large nor too small, but enough, and a little more than enough, to satisfy the ambitions of an average cultivator with an average family. And furthermore, these small holdings should, by law, be rendered incapable of

partition into smaller units. If on the death, of an owner-cultivator there be claimants, more than one, let the holding be put up for sale under protective restrictions, and the sale-proceeds divided among the heirs, but the holding itself should continue as "one entire and indivisible". This is what is needed to benefit the *raiyat* and benefit the country. Without this safeguard, the mere buying in of interests will not improve the situation nor advance the agricultural life of Bengal. With all due respect to the various decisions of the Privy Council and the most generous attitude of the Government in the past, I fail to see how any private individual can lay claim to mines and mineral rights. What has he or any of his ancestors done to advance or support such a claim? Have they made these minerals or enhanced their growth and value?

(At this stage, the House was adjourned for twenty minutes.)

(After adjournment.)

Mr. J. W. CHIPPENDALE: Minerals are wholly and entirely a bounty of nature and as such belong to the State or to the nation as a whole. Mines and mineral rights should, therefore, be nationalised and that forthwith, without any compensation of any kind to anybody. The mere enjoyment of an unjust advantage, in the past, does not *per se* justify any further inroad into the coffers of the State. All mines and minerals should belong to the State and any one undertaking to work a mine must arrange directly with the Government and be content to take only a reasonable profit on his outlay and endeavour, and the remainder of the issues and incomes arising from such sources should be utilised by the State for nation-building schemes and purposes.

As regards fisheries, there is no doubt that something should be done to help the fisherman and give him a *locus standi* and a substantial interest in this lucrative engagement. At present, he has no rights and to use the language of the report "there is no limit to what can be exacted" from him. This is a matter which can be taken up and ought to be taken up by Government immediately.

Before resuming my seat, let me once more thank all concerned for the masterly manner in which they have marshalled their facts in their historical setting and formulated their conclusions and recommendations.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, we have at last had an opportunity of discussing the report of the Land Revenue Commission which has been long overdue. Sir, I rise to speak on this motion, not to represent the particular view-point of the Bengal Congress Assembly Party which will be done by the Opposition Leader Mr. Sarat Chandra Bose, on another occasion; I rise here, particularly, to represent the view-point of a party to which I have the honour to

belong and a party whose point of view it falls on me on occasions to express on the floor of this House—I mean the Labour Party of India which stands in close relationship with the organisation of the Indian peasantry known as the All-India Kisan Sabha. In rising to discuss this report the thing that comes foremost in my mind is that, possibly in this House to-day, many of us are not aware what momentous and historic issue it is that we are about to discuss. Sir, probably its importance also is not sufficiently realised. When I look at the benches of the Coalition Party, I gasp in amazement to think that those benches should have been empty at a time when this report is being discussed, which has a bearing not only on the future Government but on the whole fate of the people of Bengal. It strikes one as a result of a mere cursory perusal of the Land Revenue Commission's report that the Commission has erred on the fundamental question, namely, the standpoint from which the question of land revenue system should be viewed. The Commission, Sir, has erred right through on this fundamental question. It has approached the land revenue system more as a mere revenue question, more as a mere administrative problem rather than as a living human question for the people of Bengal on which the whole of our future and the whole of our national economy would depend. Now, those who start from a wrong angle, those who start from a wrong standpoint, cannot be expected to arrive at a correct conclusion. They, Sir, did not go to the length of coming to grips with the problem: they merely go at a tangent to it. The land revenue system in Bengal is not a mere administrative problem: this land revenue system was introduced in its present form, even before the British Government had formally assumed control, in the times of the East India Company: it has been the stepping stone of the British power in India, and I think the House might congratulate Mr. Chippendale for throwing very important and valuable light on this question. Mr. Chippendale talked of the zamindar as the useful scapegoat and as the buffer between the State and the people who should bear the brunt of the burden of the people's wrath on his shoulder. The zamindars have been made the scapegoats behind which the Government wanted to hide their misdeeds. Just where we start with the fundamental contradiction of a State which is not a State of the people, to give expression to the people's interest and the people's cause, but rather as a machinery for repressing the people as a whole, such a State is in need of a scapegoat, and the zamindars, possibly, were set up by them as a scapegoat as well as a permanent machinery with which to provide a footing for itself on the basis of which it would grow. This is a very important fact which we must bear in mind when we discuss the Land Revenue Commission's report. On the basis of the land revenue system which was introduced in those days the whole of the social structure of the province has grown. The characteristic feature of that social structure has been that the avenues of employment, initiative as well as the resources of

the people have been very rigidly circumscribed. They have been circumscribed by the frame-work of the Permanent Settlement itself. There was the State whose chief means of revenue was the land revenue to be drawn from the peasantry: there were the tillers of the soil who were producing that revenue for the Government: and in between those tillers of the soil whose number was limited and the Government, there was a vast multitude of people who in order to be able to live in this land must have a means of living. How were they to be maintained? Were they to go into the shipping? Were they to go into the commerce and industries? If that had been the intention, there must be commercial and industrial developments and plans conceived and undertaken for the occupation of those people. Was that the intention of the State? No, certainly not. India, Bengal in particular, was to be merely a sort of a backward agricultural colony for the purpose of drawing raw materials from and for the purpose of selling industrial goods to its people. And with a view to making the Government which had no social roots whatsoever amongst our people going, they needed a sort of a band or a net work of non-official police outposts, so to say. That was the whole conception on which this Permanent Settlement was devised in those days and the intermediate strata of the people—a vast multitude of people—were made dependent on land, not for producing any income by tilling the land, not by supplementing agriculture with vitally necessary and useful subsidiary industries but just as intermediaries receiving a share of the rents, so that by this policy of Government the whole intermediate strata of the people were made to squat on the backs of our tenantry. Moreover, industries began to shrink—I do not wish for nothing to rake up bitter memories, but it is necessary also to recall to mind such stories which are not unfounded on truth that the textile industry, for instance, was purposely and deliberately suppressed. We may leave aside those gruesome stories about the cutting out of the weavers' thumbs, but even so the fact remains that when the textile industry was falling into decay, various other industries were also wiped out of existence by the Government policy as well as by the impact of new forms of economic, commercial and trading activities. The result was the creation of an army of unemployed men. Moreover, about the time of the Permanent Settlement already lakhs and lakhs of the standing army had been thrown out of employment: they had been demobilised.

The country on that account was infested with *thugs*. We have heard of famines. The result was that gradually in between the Government and the tillers of the soil grew up a vast army of unemployed. Fragmentation of land grew in ever more proportions and the direct result of it was that all those who were not finding any other avenue of employment or means of living were falling back on land. The pressure on land increased but the land itself did not increase in the least and by the creation of the Permanent Settlement

with a view to gain comparative stability, Government made the entire middle classes of Bengal depend on land rent or some share of it. The result has been that industry has not grown in this province, commerce has not grown in this province. We hear to-day of crusades against non-Bengalees coming and monopolising our industry, commerce and trade. This state of affairs is a direct product of the land revenue system. Those who might have otherwise gone forward in industrial enterprise, who might have devoted their initiative and energy for the creation of other means of living—the corresponding classes of which have been enterprising traders and merchants in Ahmedabad and other parts of India—remained as intermediary *raiyats* between Government and landlords. It is the cumulative effect of that process which was nurtured the developing crisis of the social and economic life of Bengal. To-day it is no good for Government to stand aside as a neutral observer, and to try and apportion blame to others for the legacy of its own deliberate misdeeds. It is the direct outcome of Government's policy. By that policy they created an army of unemployed; they shut out avenues of employment for the vast majority of our people between the Government and the landlords. Only an infinitesimal fraction was absorbed in the services to carry on the administrative functions of the Government. In its trail the Permanent Settlement at last gave rise to the system of usury—the system of money-lending resulting in the permanent slavery of the peasant to debts which also has led on to the worst ruination of the province. Now to-day we are faced with a desperately impoverished peasantry. We are faced with a vast army of unemployed. We are faced with a position where industry has hardly developed even beyond its infant stage. There are no commercial openings for the people. How are you going to solve this problem? Land cannot be taken just as a mere problem of revenue administration of Government; whether Government have lost in revenue or Government have gained in revenue as a result of Permanent Settlement is not the vital point. The question is whether this system benefited our people or whether this system has ruined our people. This has ruined our people as it undoubtedly has and as we find it universally admitted to-day. Those now in seat of power are simply trembling at the prospect of agrarian revolt. We have heard an honourable member on one side talking about the danger of communism and no-rent movement. There are all these dangers, undoubtedly. But the greatest danger of all is the failure to tackle the problem and to come to grips with it. To go at a tangent will not lead to a solution. The Land Revenue Commission should have considered the question of the land system of the province in its bearing on the whole social and economic life of our people and from that standpoint it should have taken into consideration also the other branches of industry, commerce, trade and professions which are intimately related. Only a comprehensive,

connected scheme can give us a solution. From that standpoint I find from the Land Revenue Commission's report that it has narrowed down its scope and gone on wrong issues. It is no more a question of compensation here and there. The question has arisen about expropriation. It is well known that vast strata of our people do not depend entirely on their land rent for their income, but they are nevertheless tied down to land. The entire *talukdar* class of this province, the entire small land-holding classes of this province would not mind, I am sure, from the standpoint of their better judgment, seeing that their little rent-receiving holdings were expropriated, if in return they found an assurance and guarantee for employment for their sons, relations and dependents who are to-day clamouring for employment. You cannot solve this land revenue question without regarding it as a connected and integral part of the question of our entire national economy. The question has arisen what compensation to pay to those who will be losing their rent-receiving holdings. The compensation cannot be in terms of money. Compensation in terms of money is the least part of it. Compensation should be by guarantee of employment. Do not give them any compensation in terms of money, because that money compensation will only mean imposing an added burden on the peasantry. The zamindar of to-day would become the bond-holder of to-morrow. The zamindar instead of having to draw his rent out of the present zamindary system would become a bond-holder to the Government. He would be receiving his income and Government would become a glorified landholder and would require more revenue. But that will not solve the problem. Simply by taking over the land by Government as it is to-day does not solve the people's problem. Taking over the land means taking over the people's problem and must be followed by a connected comprehensive scheme of national planning of which land must be an integral part. Government should take over land from the rent-receivers for the purpose of collectivising agriculture, for increasing the yield from land, for developing all the subsidiary industries on a province-wide scale, for controlling and taking under State control all the vital industries that are extant. We must take into account the resources in industrial material and man power. That man power cannot be left aside and that is the primary means of a real approach to the problem and tackling it. This discussion will be merely by way of expressing our points of view. We shall be in a position to classify those points of view and, I hope, later on an opportunity will be given for a serious deliberation about the positive outcome of this discussion and to formulate definite legislative proposals. I suggest that a conference of representatives of all parties of this House together with experts from outside and the representatives of the tenants also might be brought together to approach this problem from this standpoint and to take immediate action. Meanwhile, Sir, I think

that instead of wasting Rs. 98 crores, as suggested, for the mere purchase of land, Government may conceive a bolder plan to raise at least Rs. 100 crores immediately and if necessary to float greater amounts of money from the money markets of the world in order to finance a comprehensive scheme which will be of real benefit to the people of the province.

Mr. TARAK NATH MUKERJEA: Sir, I have listened with very great interest and care the observations made by my previous speakers. I must frankly say that most of them have considered only the one side of the shield and have completely overlooked the other side which is perhaps the most important aspect of the situation.

Perhaps in their great anxiety to see the zamindars completely crushed and the zamindary system completely annihilated they have ignored this and have not considered the matter in its true perspective and in all its aspects. May I ask them with all the seriousness and earnestness that I can command that if the recommendations of the Commission are immediately given effect to then what will be its effect on the economic, political and social conditions of the country at large? Have they earnestly considered what will be its effect on the whole nation? Have they seriously judged how much and how far the *raiyats* —I mean the real and actual tillers of the soil—will be really benefited by it, and how far their lot will be improved? To my mind, Sir, it may prove detrimental to their interest which is but the interest of the nation as a whole.

The Commission has said that the Bengal *raiyats* are not heavily taxed. I do not know if this is acceptable to this House. If that be the case then what specific and special benefit or relief the *raiyats* will really get out of it.

If the idea is only to efface the zamindars and to establish a national estate with only the Government and the actual tillers of the soil, even then I do not know what benefit the *raiyats* will derive out of it. It is yet to be ascertained whether the *raiyats* are more happy in a khas mahal or under a zamindar.

If this be the idea, then I also earnestly pray that let the policy of our new ally—I mean the Leninian principle of Soviet Russia—be adopted and all vested interests be simultaneously expropriated.

Sir, I may be permitted to say that like a businessman who invests his funds for a trade, commerce or industry, we and our forefathers invested our hard earned funds for a business on lands. We actually purchased these properties on payment of fair and equitable prices.

If other businessmen are allowed to carry on their business with impunity, may I enquire on what principle of justice or equity our properties will be expropriated?

Now coming on the other side—namely, the actual situation in the country, I may claim to speak with my very close and intimate knowledge of the actual situation in the country—specially in the West Bengal, I am fully convinced that this measure if given effect to will create a revolution in the social, economic and political structure of the whole Bengali community. The proposals as embodied in the report are based almost entirely on theoretical propositions and ideas and it bespeaks a colossal ignorance of the actual situation in the country at large. The Permanent Settlement has worked for well over a century and a half and during these long years this system has boldly withstood not only the onslaughts of the Legislature but it has also faced nobly and faithfully all sorts of calamities—floods, famines and the like. Sir, the Bengal zamindars have played a most important part in shaping the present economic, social and political conditions of the country. I cannot say with authority about the actual state of affairs in the East Bengal but from my most intimate knowledge of West Bengal, I may say that most of the public institutions like the colleges, schools, *madrassahs*, *tols* and *muktabs*, charitable dispensaries, asylums for invalids and infirms and also public utility works like the construction of roads, bridges, embankments, irrigation channels, drinking water tanks, etc., owe to a very large extent their establishment and existence to the noble-minded and public-spirited generosity of the landholders. As a true man of the rural area, as one who lives actually in the rural areas and with rural people for a considerable portion of the year, I may say that the agriculturists for obvious reasons will still prefer to remain a *raiyat* under a zamindar than directly under the Government. In a country where people are daily dying in thousands from malaria and other preventible diseases, where more and more lands are gradually lying fallow every year for want of proper irrigation facilities, where still a large number of people are daily dying without any proper medical treatment and where people are daily being enfeebled and emasculated due to poverty, sickness and starvation, the result is that now in many cases the actual agricultural operations are being done by hired labourers coming from outside the province.

The actual situation in different districts is widely different. Thus in the Burdwan district with an area of 2,669 square miles the land revenue is Rs. 30,43,000 and the incidence of taxation is 4½ annas per head of population. In Hooghly with an area of about 1,200 square miles the land revenue is about Rs. 9½ lakhs and the incidence of taxation per head of population is 4½ annas; while in Dacca with an area of 2,700 square miles the land revenue is only Rs. 6,63,000 and the incidence of taxation is 1½ annas per head of population. The same is also the case in Mymensingh with an area of over 6,000 square miles and the land revenue is only about Rs. 10 lakhs.

Thus it will be seen that the West Bengal districts are most highly assessed and heavily taxed, leaving a very small margin of profit or income to the zamindars.

The idea that the zamindars have a huge profit is equally an erroneous idea. Owing to various reasons there has been an alarming shrinkage in the total area of agricultural lands in many districts. In my district of Hooghly the total cropped area has been in 1880, 541,400 acres, in 1901, 491,300 acres and in 1931, it has gone further down to 293,900 acres only. Thus within a period of 50 years there has been an alarming shrinkage of 45 per cent. of the net cropped area.

So while the land revenue remains the same as before, the rent roll has been practically reduced by 45 per cent. of what it was 50 years ago. This being the actual state of affairs how can there be a good profit to the zamindars particularly in the decadent and dying districts like Burdwan and Hooghly?

Now, Sir, regarding the proposal for the imposition of income-tax on agricultural income, I must say it is highly unjust, improper and grossly unfair. I would earnestly request the House to consider whether it is not a fact that while the non-agricultural income, *i.e.*, income from trade, commerce or industry or any other profession is taxed only in the shape of income-tax, the agricultural income is already most heavily taxed in the shape of road cess, public works cess, primary education cess, union rates and last but not the least the heaviest toll, which the agricultural income has to bear is due to ever-increasing sickness and poverty of the agriculturists. The Government has failed and most hopelessly failed to improve their lot in any way as yet. I submit that the sum total of all these taxes on the agricultural income taken up together is proportionately much more than the income-tax now payable for non-agricultural income. So a fresh tax on agricultural income will be not only unfair, but it will prove to be a very heavy burden which will be almost impossible for them to pay. Moreover at a time when so many districts in the province have been the unfortunate victims of flood, cyclone or famine and when due to the great war the prices of food and other articles of daily use have gone up considerably, the time is not at all opportune for the imposition of such a tax.

From the condition now prevailing in our part of the country I may say that the lot of *raiyats* will not in any way improve even if they are completely exempted from the payment of any rent consecutively for 3 or 4 years to come. I am ready to accept a challenge to prove that in any selected area within my own zamindary. No lasting and real improvement can be achieved unless the physical condition of the people is improved, unless the people are free from malaria and unless the fertility and productivity of the lands are enriched. Let the popular

Ministry rise equal to the occasion to achieve these ends. As a member of the smallest minority group in this House where out of 250 members we are only 5, I appeal to you, Sir, Mr. Speaker and through you to all the members of this House not only to my right or left but all around me, not to be carried by emotions and sentiments but to pause for a while and seriously consider the actual situation in the country and real state of affairs prevailing in the country, before proceeding any further. Speaking on behalf of the landlords I may say that the zamindars are fully conscious of their present position, they are fully alive of their duties, clearly aware of their responsibilities and alert of their impending danger. But the zamindars are ready to rise equal to the occasion and to make any sacrifice if they are only convinced that thereby the true salvation of the masses will be achieved.

Sir, I once again repeat that these proposals which are based, as I have stated before, not on actual realities, will not be able to achieve the desired object of really improving the physical, economic and political conditions of the actual tillers of the soil, which feed the whole nation.

In short, to my mind it aims at having a measure which will create a colossal chaos, social evolution and economic revolution in the country without doing any real good to those for whom it is intended.

Adjournment.

The House was adjourned at 7-45 p.m. till 4-45 p.m. on Tuesday, the 29th July, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 29th July, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 8 Hon'ble Ministers and 188 members.

STARRED QUESTIONS

(to which oral answers were given)

Temporary assistants in Bengal Secretariat.

***12. Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing—

(1) the number,

(2) educational qualification, and

(3) length of service,

of temporary assistants working at present in the various departments of the Secretariat?

(*b*) Will the Hon'ble Minister be pleased to state whether any steps have been taken to make them permanent in pursuance of the promise given by his predecessor in this House in reply to a similar question on 1st April, 1938?

(*c*) Will the Hon'ble Minister be pleased to state whether the Clerkship Examination is conducted by the Public Service Commission?

(*d*) If so, will the Hon'ble Minister be pleased to state whether that body was asked to examine the question?

(*e*) If so, with what result?

(*f*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) A statement is laid on the table.

(b) The honourable member is mistaken in saying that my predecessor gave any such promise. The scheme of the Secretariat Recruitment Rules is that permanent vacancies should be offered to the best examinees of the year in which the vacancies occur and in this way only can Government hope to obtain the best candidates of each year.

Temporary vacancies are offered to those who do not pass the examination sufficiently high to obtain a permanent appointment. From time to time when a temporary post is made permanent opportunity is taken to absorb an assistant who has a long record of efficient service in that post but Government are satisfied that the present policy of filling each year's permanent vacancies by the best candidates from that year's examination is sound and must be adhered to.

(*c*) Yes.

(*d*) and (*e*) The Recruitment Rules have recently been revised in consultation with the Public Service Commission and the decisions arrived at on this point are summarised in (*b*).

(*f*) Does not arise.

Statement referred to in reply to starred question No. 12.

Department.	Number.	Educational qualifications.							Length of service.
		M.A. or B.L.	M.A. or M.Sc.	B.A. or B.Sc.	I.A. or I.Sc.	Matriculate.	Senior Cambridge.	Junior Cambridge.	
Home and Judicial	30	1	..	20	3	4	1	1	Varying from 1 month to 10 years 3 months.
Finance ..	13	..	..	10	1	1	1	..	Varying from 6 months to 3 years.
Revenue and Forest and Excise.	3	..	1	2	..	..	..	..	Varying from 1 year 6 months to 5 years 2 months.
Public Health and Local Self-Government.	13	..	..	8	5	..	..	..	Varying from 1 week to 6 years 8 months.
Communications and Works.	3	..	..	2	..	1	..	..	Varying from 6 months to 1 year.
Agriculture and Industries.	3	..	..	1	2	..	..	..	Varying from 1 year 7 months to 2 years 9 months.
Education ..	2	..	..	1	1	..	..	..	Varying from 1 year 5 months to 5 years 6 months.
Commerce and Labour.	5	..	1	2	2	..	..	..	Varying from 1 week to 1 year 7 months.

Co-operative and Rural Credit Indebtedness.	14	..	1	12	..	1	..	..	Varying from a fortnight to 4 years 4 months.
Legislative ..	7	..	..	5	2	..	..	..	Varying from 1 week to 1 year 1 month.
Total ..	93	1	3	63	16	7	2	1	Varying from 1 week to 10 years and 3 months.

Primary schools and levy of education cess in Mymensingh district.

*13. **Mr. JNANENDRA CHANDRA MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) what the amount of annual revenue is from education cess in the district of Mymensingh; and

(*ii*) the number of primary schools that existed in the district of Mymensingh before the education cess was levied?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number of new primary schools (thana by thana) established; and

(*ii*) the number of Hindu and Muslim teachers appointed after the levy of the same cess?

(*c*) Will the Hon'ble Minister be pleased to state whether new scheme of primary education covers adult education also?

(*d*) If the answer to (*c*) be in the negative will the Hon'ble Minister be pleased to state the reason thereof?

(*e*) Has the attendance of the schools referred to in (*b*) been made—

(*i*) compulsory for the children living within their orbits; and

(*ii*) free, in the sense that no charges for school fees and books are made from the children or their parents, and guardians?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*)(*i*) Rs. 8,58,704 (estimate).

(*ii*) 3,388.

(*b*) A statement is laid on the table.

(*c*) No.

(*d*) Adults are not children in terms of clause (3) of section 2 of the Bengal (Rural) Primary Education Act, 1930.

(*e*) (*i*) No.

(*ii*) Yes; free in the sense that no school fees are charged; but books are to be provided by pupils.

Statement referred to in the reply to clause (b) of starred question No. 13.

Serial No.	Name of circles.	Name of thanas.	No. of schools established after the levy of education cess.
1.	Sadar, Mymensingh ..	(1) Kotwali	59
		(2) Trisal	51
2.	Muktagacha	(3) Muktagacha	62
		(4) Fulbaria	55

Serial No.	Name of circles.	Name of thanas.	No. of schools established after the levy of education cess.
3.	Phulpur	(5) Phulpur	83
		(6) Haluaghat ..	45
4.	Nandail	(7) Nandail	71
5.	Iswarganj	(8) Iswarganj ..	104
6.	Gaffargaon	(9) Gaffargaon	72
		(10) Bhaluka	45
7.	Jamalpur	(11) Jamalpur	75
		(12) Nakta	30
8.	Sherpur	(13) Sherpur	97
		(14) Nalitabari	85
9.	Dewanganj	(15) Dewanganj	50
		(16) Islampur	50
		(17) Sribardi	53
10.	Sarishabari	(18) Sarishabari ..	31
		(19) Melandah	36
		(20) Madarganj	31
11.	Tangail	(21) Tangail	66
		(22) Basail	45
12.	Nagarpur .. .	(23) Nagarpur . ..	66
		(24) Mirzapur	60
13.	Kalihati	(25) Kalihati	75
		(26) Ghatail	55
14.	Gopalpur	(27) Gopalpur	92
		(28) Madhupur	43
15.	Netrakona	(29) Netrakona ..	39
		(30) Purbadhala	50
		(31) Durgapur	43
16.	Barhatta	(32) Barhatta	26
		(33) Atpara	30
		(34) Kalmakanda ..	34
		(35) Mohanganj	36
17.	Kendua	(36) Kendua	62
		(37) Khaliajuri	23
		(38) Madan	13
18.	Kishoreganj	(39) Kishoreganj	35
		(40) Hussainpur	30
		(41) Itna	39
		(42) Tarail	30
		(43) Karimganj ..	45
19.	Bajitpur	(44) Bajitpur	38
		(45) Astagram	29
		(46) Nikli	42
		(47) Kuliarchar	25
20.	Kathiadi	(48) Kathiadi	47
		(49) Pakundia	36
		(50) Bhairab	33

Statement showing the number of Hindu and Muslim teachers appointed in primary schools in the district of Mymensingh after the levy of the Education cess in the district.

Hindus	1,104
Muslims	4,092

Muhammadan Marriage Registry Offices in Mymensingh district.

*14. **Mr. GIASUDDIN AHMED:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware that the Kazi Advisory Board of Mymensingh passed a resolution for the establishment of one Muhammadan Marriage Registry Office at each thana of the district?

(*b*) If so, will the Hon'ble Minister be pleased to state whether there is any Muhammadan Marriage Registry Office at Madarganj, Melandaha?

(*c*) If the answer to (*b*) is in the negative, is the Hon'ble Minister considering the desirability of taking early steps for the establishment of Muhammadan Marriage Registry Offices at each thana of the district especially at Madarganj and Melandaha?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) and (*c*) A new Marriage Registry Office has recently been sanctioned with headquarters at Madarganj for Madarganj police-station and unions Nos. 1 to 3 of the adjoining police-station Melanda and another at Narundi for unions Nos. 2 to 9 of Jamalpur police-station, the remaining unions of the Melanda police-station continuing under the parent office at Jamalpur. The above division was sanctioned by Government after due consideration of the report of the District Advisory Committee, public convenience and administrative facilities.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Reconstruction of Sundalpur Debt Settlement Board, Tippera.

9. **Mr. RAMIZUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the Subdivisional Officer (North), Comilla, has submitted recommendations for the reconstruction of the Sundalpur Debt Settlement Board, police-station Daudkandi, in Tippera?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when the reconstructed Board is likely to be published in the Gazette?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): The matter is under consideration of the local officers.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether he received any recommendation for the reconstruction of the Sundalpur Debt Settlement Board recently?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether Mr. Martin, Commissioner of the Chittagong Division, said to this effect with regard to the Sundalpur Debt Settlement Board:

"You are correct in saying that the Collector recommended the reconstitution and I accepted the Collector's recommendation and forwarded the new name to the Government on the 10th February, 1941."

Mr. SPEAKER: That question does not arise. You have supplied all the information.

Average rate of rent per acre of land.

10. Mr. TARAK NATH MUKERJEA: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing, district by district, the existing average rate of rent per *bigha* or per acre of land payable by the *raiyats*?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): The attention of the member is invited to the figures showing the incidence of cash rent per acre for *raiyati* and under-*raiyati* interests, contained in Table No. VI (*a*) on page 108 of the Report of the Land Revenue Commission, Bengal, Volume II, copies of which were circulated to the members of the Legislature.

Report of the Non-Agricultural Tenancy Committee.

11. Mr. MD. ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the report of the Non-Agricultural Tenancy Committee has since been submitted and published in the Gazette?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason for such unusual delay?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of sittings of this Committee till the 15th July, 1941;

(*ii*) the work done up to date; and

(*iii*) when the report of this Committee is likely to be available to the members of the Assembly?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*c*) (*iii*) The report has only lately been submitted to Government. It will not be published in the *Calcutta Gazette* but copies have already been supplied to members of the Legislature. Copies have also been supplied to all leading newspapers for publication.

(*b*) Does not arise.

(*c*) (*i*) and (*ii*) There were in all 21 meetings of the Committee.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what steps Government did take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, does the question arise out of it?

Mr. ATUL KRISHNA GHOSE: In view of the fact that the report of the Committee was published, will the Hon'ble Minister be pleased to consider the desirability of considering the recommendations of the Committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Government are considering.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state when they are going to consider the recommendations of the Committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As soon as possible.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether there is any chance of considering the desirability of these recommendations during this session?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have stated, as soon as possible.

Adjournment motion.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg leave of the House to move an adjournment motion, for which you have been pleased to give your consent, relating to the communiqué issued by Government last evening and published this morning. The motion is in the following terms:—

"This Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the decision of Government to withdraw for the present the concession of premature release of terrorist prisoners under conditions as announced through a Press communiqué issued on 28th July, 1941, and published in the newspapers on 29th July, 1941".

Sir, a short statement as required under the rules is appended herewith. May I hand over the papers to you for your perusal?

(The papers were handed over to Mr. Speaker for his perusal.)

Mr. SPEAKER: But, Dr. Sanyal, after coming here I find that there is a resolution which is No. 8 in the list of non-official resolutions, standing in the name of Mr. Satya Priya Banerjee, relating to the same issue.

Dr. NALINAKSHA SANYAL: I am afraid, Sir, you have entirely misunderstood the issue. Resolution No. 8 relates to the Defence of India Rules prisoners, but this motion deals with Government's new order concerning terrorist prisoners. I think neither Mr. Banerjee nor Government could anticipate the new policy and could conceive that resolution No. 8 would include terrorist prisoners as well. We claim that terrorist prisoners belong to a different category, and I submit that the purport of Mr. Banerjee's resolution is certainly entirely different.

Mr. SPEAKER: I find that this resolution includes political prisoners of the terrorist type, through the words "other political prisoners" in addition to prisoners under the Defence of India Act.

Mr. NIHARENDU DUTTA MAZUMDAR: But, Sir, the Jail Code does not recognise as political prisoners those known as the terrorist prisoners. They are regarded as convicted prisoners.

Mr. SPEAKER: I am not administering the Jail Code here.

Dr. NALINAKSHA SANYAL: I submit the rules do not preclude the discussion or criticism of a Government communiqué or of a new Government policy by means of an adjournment motion. That resolution No. 8 deals with an entirely different matter.

Mr. SPEAKER: But I think this question can be raised in connection with that resolution.

Dr. NALINAKSHA SANYAL: May or may not be. We do not know the mind of Mr. Banerjee.

Mr. SPEAKER: Whatever might be in the mind of Mr. Banerjee this question can be discussed under that resolution under rule 98(*iv*).

Dr. NALINAKSHA SANYAL: But, Sir, rule 98(*iv*) relates to anticipatory motions only. But my present motion is not of that nature.

Has this particular matter been previously appointed for consideration?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: It could not have been possible because it only came to light this morning.

Mr. SPEAKER: But only Friday is fixed for non-official resolutions.

Dr. NALINAKSHA SANYAL: Sir, my submission is this. I have tabled a motion specifically to discuss a particular decision of Government which was brought to the notice of the public this morning and was taken probably yesterday and the resolution given notice by Mr. Satya Priya Banerjee deals generally with the immediate release of all political prisoners specifically mentioning the Defence of India prisoners in particular——

Mr. SPEAKER: And other political prisoners.

Dr. NALINAKSHA SANYAL: But particularly mentioning them. My motion is on an entirely different subject and could not possibly have been previously appointed. In the circumstances of the case, Sir, this could not have been done. Rule 98(*iv*) mentions that a motion must not anticipate a matter which has been previously appointed for consideration. I submit that this motion of mine deals with a matter which could never have been previously appointed for the consideration of the House.

Mr. SPEAKER: I am quite prepared to help you in every possible way. Let us be clear on the definite issue as to whether the terrorist prisoners come within the purview of political prisoners. That has been the convention all along on this side of the House. Whatever the Jail Code may say, I am not concerned with it.

Dr. NALINAKSHA SANYAL: Sir, do the Government admit it?

Mr. SPEAKER: I take it that terrorist prisoners have all along been taken as political prisoners unless Government say they are not.

Mr. ATUL KRISHNA GHOSE: The Home Minister has repeatedly said that.

Dr. NALINAKSHA SANYAL: As a matter of fact, Sir, Government do not recognise any class of prisoners as political prisoners.

Mr. SPEAKER: I did not notice this resolution before. Unfortunately Sir Nazimuddin is ill and what I suggest is that in case I hold the motion is in order——

Dr. NALINAKSHA SANYAL: Sir, you may take time.

Mr. SPEAKER: I have given my consent and the preliminary stage is over. The only thing is whether it is in order and as a bar to it comes rule 98(*iv*). If that is not a bar then in normal course it will be taken up.

Dr. NALINAKSHA SANYAL: Sir, if you want to take it up on a subsequent day when Sir Nazimuddin may be conveniently present, then I will not stand in the way.

Mr. SPEAKER: If Sir Nazimuddin is able to come to-morrow then I will send information to you through the Secretary.

The Hon'ble Mr. H. S. SUHRAWARDY: He is running a very high temperature and it is extremely doubtful whether he will be able to come to-morrow.

Mr. SPEAKER: In any case I will get the information and send it over to you, Dr. Sanyal.

Dr. NALINAKSHA SANYAL: In that case, in the event of Sir Nazimuddin not being in a position to come, some other Hon'ble Minister may take it up.

Mr. SPEAKER: Sir Bijoy, is Government prepared to take it up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is better that it should be postponed till Sir Nazimuddin is here.

Dr. NALINAKSHA SANYAL: I hope the question of urgency will be waived.

Mr. SPEAKER: Since I have admitted it the question of urgency does not arise. Even if it comes up after 10 days, that question will not arise.

Dr. NALINAKSHA SANYAL: Thank you, Sir.

Discussion on the report of the Bengal Land Revenue Commission.

Mr. SPEAKER: We will now take up the discussion of the report of the Land Revenue Commission.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, the discussion that is taking place just now is on one of the most momentous questions we have to deal with. Sir, the Floud Commission was appointed long before. Its report was submitted and thereafter an expert was appointed to examine the report. Briefly speaking, the question hinges on this, whether retention or abolition of the Permanent Settlement with zemindary system will make or mar the future of this province, as has been said by Mr. Gurner.

Sir, in the last elections, specially we of the Krishak Proja Party on behalf of the Nikhil Banga Krishak Proja Samity made this item of abolition of zemindary system as our first item in our election programme. Others also said this incidentally to catch voters so that they might get the sympathy of the public. Sir, Commissions have come and Commissions have gone; reports have been submitted time and on. Possibly they have supplied food for white-ants. (The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not yet.) My friend Sir Bijoy says "not yet". I do not know whether these reports will also meet with the same fate. But whether these reports meet with the same fate or not does not matter to us. We are determined to see it through,—that the Permanent Settlement is abolished—whether Sir Bijoy agrees or not.

Now, Sir, what are the terms of reference to the Commission? Sir Bijoy dealt with them yesterday. I will read out only the first item. The terms are, "generally speaking, to examine the distinct land revenue system of Bengal in its various aspects with special reference to Permanent Settlement, to estimate the effect of the system on the

economic and social structure of Bengal and its influence on the revenues and administrative machinery of the Provincial Government, to appraise the advantages and disadvantages of the existing system and to devise what modifications, if any, can and should be made and in what manner and in what stages they should be effected; in particular, to examine the following questions:—" Eight questions were framed. I need not go into all of them. I will simply read out the first one and that will serve my purpose. (1) "To what extent the underlying principles of the Permanent Settlement are of value to the social and economic structure of Bengal? Have those principles been defeated by the commercialisation of cultivating *raiyats* in land, and, if so, to what extent would it be possible and expedient to reassert them by revising the process of commercialisation?"

Sir, in order to have a thorough grasp of the thing we must have a review of the past. It is well known—I need not go into details—that the position of the cultivator vis-à-vis the State, whether in ancient times or during the Hindu rule or the Pathan rule or the Mughal rule, was that the State used to get a certain proportion of the gross produce as rent. It varied at times. It might have been one-sixth at one time; it might have been one-fourth at one time; it might have been half, as is mentioned in reports, at the time of Aurangzeb. Whatever might have been the proportion, the fact remains that the cultivator used to own the soil and the State used to get only a portion of the produce.

Sir, as I have already said in the beginning not only we made this as an item of our election manifesto, but we believe that the present zemindari system or the Permanent Settlement, as it is called, has done not only great harm to this province which was said to be one of the richest and most fertile provinces in the whole of India, but it has brought about a national loss so far as the economic structure is concerned.

Sir, before I go into the discussion as to whether the Permanent Settlement is beneficial or disadvantageous to the country, let me go back to the stage from whence it emanated—I mean, Sir, the time when Permanent Settlement was inaugurated in this country. I will refer to the minutes of Lord Cornwallis. It is very well known, Sir, that at that time controversies raged over the fact whether the *jama* would be made permanent or not. Sir John Shore and Grant widely differed on this point. I will not take the House to the labyrinth of endless and intricate minutes that passed between Sir John Shore, Grant and Lord Cornwallis. I will not tire the House with the details of those minutes, but, Sir, a few quotations from the Minute of Lord Cornwallis and a few quotations from the Minute of Sir John Shore will possibly serve my purpose. It is very well known that the Britishers came to this country at the time of the East India Company. The East India

Company penetrated peacefully into this country and in order to make a solid foundation, they had to get the support of a class of people and it is very well stated in the Minute of Lord Cornwallis. Therefore, Sir, the two points that were raised by Lord Cornwallis were firstly from the financial aspect that permanency of the *jama* must be made and, secondly, that greatest importance should be attached to political consideration of Permanent Settlement. I would refer you, Sir, in the first place to page 542 of the Fifth Report of the Select Committee. This is what Lord Cornwallis said: "We have by a train of the most fortunate events, obtained the dominion of one of the most fertile countries on the face of the globe, with a population of mild and industrious inhabitants, perhaps equal to, if not exceeding in number, that of all the other British possessions put together. Its real value to Britain, depends upon the continuance of its ability to furnish a large annual investment to Europe; to give considerable assistance to the treasury at Canton; and to supply the pressing and extensive wants of the other presidencies." Because, Sir, it is very well known that the East India Company was waging war in other provinces to bring them under its domination. "A very material alteration in the principles of our system of management has therefore become indispensably necessary, in order to restore this country to a state of prosperity, and to enable it to continue to be a solid support to the British interests and power, in this part of the world." Sir, more important than this is the political consideration. I would refer to page 541. Lord Cornwallis said, "in case of a foreign invasion"—Sir, it is a tragedy of fate that Lord Cornwallis being himself one of those foreigners who ruled this country, he said—"in case of a foreign invasion, it is a matter of the last importance, considering the means by which we keep possession of this country, that the proprietors of the lands should be attached to us, from motives of self-interest. A landholder, who is secured in the quiet enjoyment of a profitable estate, can have no motive for wishing for a change. On the contrary, if the rents of his lands are raised, in proportion to their improvement, if he is liable to be dispossessed, should he refuse to pay the increase required of him,—or if threatened with imprisonment or confiscation of his property, on account of balance due to Government, upon an assessment which his lands were unequal to pay; he will readily listen to any offers which are likely to bring about a change that cannot place him in a worse situation, but which hold out to him hopes of a better." Sir, this reminds me of the occasion when Clive on behalf of the East India Company bribed certain traitors of this country. He knew that in this country bribes could take away a large number of people. Sir, Mirzafar, Nanda Kumar, Umichand, Rai Durlav and Jagat Seth—these are persons who sold this country. Therefore there was real apprehension and Lord Cornwallis held that he should create a class of people in this province who would be at the beck and call of their superior

masters. That is the crux of the whole thing why Permanent Settlement was installed in this country. Sir, it is well known that war had been raged in Southern India; wars were being raged in other provinces; a stable income was necessary. That was also one of the reasons. Therefore, Sir, permanency or otherwise of the question does not touch me. Sir, I will ask this House to seriously consider whether the Minute of Lord Cornwallis does not strike at the very root of the foundation of the structure on which my friends Sir Bijoy waxed eloquent last evening. He might be apprehensive and others might be apprehensive, but, Sir, in this transitory world, where nothing is permanent in this mundane universe, this Permanent Settlement must go on for ever! Everybody will go; there will be the rise and fall of nations; even the British Empire might crumble to pieces, but this Permanent Settlement must remain on the soil of Bengal. Therefore, it is an absolute misnomer.

I have found in one place that permanency of the *jama* was referred to. That might or might not be the case, but it will serve my purpose if I can point out that the stage at which we have arrived at, at that stage we are in a position to declare here on the floor of the House as legislators sitting here as Government of the province whether the Permanent Settlement should be kept or abolished, because, Sir, the East India Company was the sovereign authority then and the Board of Directors from England directed Lord Cornwallis to take up administration of the province. Lord Cornwallis was an able warrior, but he was not a very able administrator, but the Board of Directors had a great faith in him as an honest and able worker. Therefore, he was directed to go to Bengal and bring about a change—a change which would build up a real and solid structure for the Britishers of the future. The efforts of Lord Cornwallis did succeed and all the differences that existed between Sir John Shore and Grant were of a transitory character. Grant believed that the zemindars were not the actual proprietors; they were merely collectors. Sir John Shore believed that they might have proprietary right, but all the same, they might not be given permanency of the *jama*. Therefore, a 10-year settlement should be made with them. That was the point of view which Sir John Shore put forward with which Lord Cornwallis disagreed, and therefore Lord Cornwallis declared that the Permanent Settlement should be made with the so-called zemindars. Along with it, Sir, the other requirement, *viz.*, the fixity of tenure by the zemindar towards the tenant must also have been ensured, was the view held by Lord Cornwallis. That was not done. The result was that the zemindars at their sweet will had evicted tenants and placed new tenants in their places. Sir, I will not detain the House by going into the merits and demerits of the Permanent Settlement. Everybody knows that the report of the Commission has very thoroughly discussed that question. I will only say

that the Permanent Settlement, whatever might have been the original intention, has not served any useful purpose for the general masses of the population. On the other hand, the people were enticed towards land. Of all the provinces, Bengal particularly was lacking in industrial organisations and money flowed towards land specially in Bengal, I mean money was invested in land.

Sir, I shall now come to the other side of the question—how far the zemindar's share was 10/11th; that is, if the zemindar could collect Rs. 10 he would get Re. 1 as commission. The position has just been reversed. What has happened to-day? The zemindar has got an increased income—about 15 times as much—but the tenantry——

Mr. SPEAKER: How long will you take to finish your speech?

Mr. M. SHAMSUDDIN AHMED: Ten minutes.

Mr. SPEAKER: You have already exceeded your time-limit.

Mr. M. SHAMSUDDIN AHMED: This is a very important matter. Further no one from this side will speak after me.

Mr. SPEAKER: Please finish your speech as early as possible.

Mr. M. SHAMSUDDIN AHMED: Now, Sir, let us see how far the zemindars have contributed to the reconstruction of the economic structure of this province. I have already told the House about the share of produce that the cultivators gave to the Government. Sir, the income derived in that way was spent, and lavishly spent, by the majority of the zemindars if not by all. Sir, at the time of the Permanent Settlement some say it was one-third, some say it was half, let us take one-third of the whole of Bengal was full of jungles and the reclamation of those jungly lands was held to be of great benefit to the country. Tenants cleared those jungles, and brought about economic rejuvenation. Rejuvenation of whom? Rejuvenation of the zemindar class. It is a travesty of fate that because the zemindars had permanently secured their own position right from the beginning of 1793 down to the days when the tenants fought for their rights and got some, the zemindars used to make war with one another and as there were no fixed boundaries in those days, like the Knights of old, they used to fight one another and the tenants also came to be involved in it. What was the result? The result was the tenants not only lost their crops; the tenants suffered in money also. In this way though the Permanent Settlement gave permanency of *jama* to the zemindars it never allowed

fixity of rent to the tenant. Otherwise the Rent Act of 1859 would not have been necessary; the Bengal Tenancy Act of 1885 would not have been necessary; nor the successive legislations of 1928 and 1938. Sir, we on this side of the House want to make our position clear. We want to say that the Revenue Commission misjudged the whole case. The Revenue Commission in considering whether the Permanent Settlement should be retained or abolished went into the question of compensation. How does the question of compensation arise? Sir, the question of compensation would arise only when a man loses or when a man suffers. If you examine the events which followed the inauguration of the Permanent Settlement, you will find that whatever might have been the reasons which had led Lord Cornwallis to introduce it not one of the then so-called proprietors of the soil paid one single pie to the coffers of Government.

It was simply a recognition of facts. The zemindars of those days without spending a farthing became masters of thousands and millions of acres of land, masters of land and masters of the destiny of the people. You will remember, Sir, the distraint laws that told on the people, you will remember the cruelties and oppressions that were perpetrated on the people. Sir, the tenants used to be taken to the houses of zemindars confined and tortured till rent was paid. Famine and flood would not stand in the way. The tenants must pay their rents. They must feed the zemindars free. Therefore, I would ask the House to very seriously consider why the Revenue Commission went into this question of compensation. It passes my comprehension because, if it is a fact, and it is a fact that as the zemindars of those days did not pay anything to the Government Exchequer, the question of compensation cannot arise to-day. Many zemindars of succeeding generations might have purchased some of the lands. If they had purchased them, they have also enjoyed and enjoyed with hundred-fold interest. Therefore, Sir, the question of payment of compensation falls to the ground. Sir, I would ask this House to seriously consider this question. You put on one side, may be, a certain number of individuals and on the other side millions of people who have been ground down to poverty and who cannot have two full meals a day. What is happening just now? Cyclone has played havoc in Barisal, Noakhali and other places. What are the zemindars doing? How much have they contributed from 1793 towards relief measures? Let the zemindars put forward an account showing how much they have spent for the welfare of the tenantry and how much they have gulped themselves. I say this without any heat or anger. Because we love our country,—this country which in the time of Akbar was said to be one of the most fertile and the richest provinces amongst the then *Subas* of India—we have to question the zemindars. Even to-day, Sir, after the foreign exploitation to the fullest extent, even to-day if this Permanent Settlement is done away with and the peasants of Bengal are given proprietary rights, the face of the country can be

changed. The man who cultivates the land must be the owner and he will give a certain quota to the State in lieu of the protection that it gives him.

Therefore, Sir, the intermediaries may be a hundred in number, may be numberless but that should not stand in the way of abolishing this Permanent Settlement. Sir, I have been shown the red light. I will finish my speech with this last sentence. Sir, we want to declare—I on behalf of my party—on the floor of this House that we are not holding an academic discussion on the floor of the House. At the time of the election we made an item in the election manifesto that we have made it a principle that the peasants of this country, the cultivators of this country, men who count and who feed us should be given the right to own the land and not those who have nothing to do with the land. Sir, everybody knows the sympathy of Lord Linlithgow for the peasants. Therefore, Sir, I am hoping for a day when the peasant of Bengal will own his land, when Bengal will again be one of the richest countries of the world. Even to-day my friends on my left are trading on jute, but where is this jute coming from? They are making their money here, and therefore in industry, in commerce, Bengal will thrive again once you take away these shackles from them. Let the peasants of Bengal be the masters of their own homes—real masters, and Bengal will then rise to the height of the occasion—the Hindu and Muslim Bengal, not Pakistan or Hindusthan. Therefore, in all humility I ask my Coalition friends to seriously consider this matter because their advice to the Ministers will certainly count. The Ministry have wasted a good deal of time. Sir, I would ask the Ministry to carefully consider this matter. Wars or no wars, international wars or no wars, many things have been done, and so this most important thing can also be accomplished. Therefore, I would ask my friends of the Coalition Party to press the Ministry to abolish this Permanent Settlement without any compensation whatsoever and to make the peasants of this country the masters of their own lands.

Babu ASHUTOSH LAHIRI: Mr. Speaker, Sir, I have gone carefully through the report of the Land Revenue Commission and of the Special Officer appointed by the Government of Bengal. To my mind, the most important question is, whether, if the recommendations of the majority report are given effect to, it will bring about real improvement in the conditions of all sections of the people of this province. We, as legislators charged with the task of deciding the destiny of the inhabitants of this province, will be failing in our duty if we are actuated with the motive of doing good to a particular section of the people to the detriment of the rest. Sir, I have heard it stated that the *raiyats*, the peasants and the labourers are terribly suffering owing to the conditions created by the Permanent Settlement. I think that

is a very erroneous statement of facts. I must say that the distress and the sufferings are equally great, if not greater, amongst the middle class people of this province. They are the people who have built up the economic prosperity of the province and contributed to its social welfare and cultural progress. It will be suicidal to ignore the question of the welfare of this middle class population. If it can be proved that the recommendations of the majority report, if given effect to, will result in an all-round improvement of the condition of the people, I for one will be the first to support it.

But what is the actual position? The compulsory purchase of the rights of the zemindars and of the tenure-holders will destroy the economic foundation of the province. It will bring about a violent change in the social and economic structure which has been built up during the last 150 years. And what are the benefits that will accrue from this revolutionary change?

It has been stated, Sir, that it will substantially improve the lot of the agricultural peasantry. I have travelled all over India and had opportunities to observe the economic condition of the village population of many provinces, and I can say emphatically that with the possible exception of the Punjab the peasantry in every other province is worse off than in Bengal. There the *raiyatwari* system prevails. In those provinces the peasants pay their rent directly to the State, but they have to pay far higher rent than the peasantry of Bengal. The average rent of Rs. 2 that the peasant of Bengal has to pay generally is very moderate as compared to that in other provinces. Sir, I cannot agree with the view that the abolition of the Permanent Settlement will lead to any substantial improvement in the lot of the *raiyat*. Even then, the *raiyats* will have to pay an average rent of Rs. 2 to the State as they are doing now to the landholders.

Sir, I think, to fasten the guilt of the general poverty of the *raiyat* on the present land system or, for the matter of that, on the shoulders of the landholders is evading the real issue. I have seen in the Punjab how an elaborate system of irrigation has helped to ensure a steady and regular supply of water to the peasantry. I think the real cause of the poverty of the *raiyat* in Bengal is the chronic failure of crops due to draught or to flood causing destruction of the crops before they become fit for harvesting. Unless the Ministry can establish a regular system of irrigation throughout the province, it is impossible to prevent this recurring failure of crops. We have seen certain legislation passed by the Government in this direction, certain boards have been created, but how hopelessly they have failed in actual operation is known to everybody. The next thing that is of vital importance in securing the welfare of the *raiyat* is to ensure a proper price for the product of his land. We have seen also how in this direction the Ministry has hopelessly failed. The jute and the paddy which are the two staple crops

of the province do not fetch an economic price to-day. This has been the state of things practically during the last ten years. Sir, I think unless these two causes of the poverty of the *raiyats* are effectively removed, no amount of manipulation of the land-tenure system can be of any material help.

If, therefore the abolition of the zemindary rights and the tenure-holders' rights is not going to effect any improvement in the lot of the peasantry, what other justification there can be for giving effect to the majority report of the Land Revenue Commission? I have heard it stated on the floor of this House that the Ministry has been actuated by considerations of administrative convenience and of additional revenue that is supposed to accrue to the State. The Special Officer of the Government of Bengal has, however, in his report belied this expectation and has definitely found that such an additional income to the State is absolutely illusory. Even if this finding is not accepted unreservedly by all sections of the members of this House, it does at least prove the necessity of further re-examination of this complicated and controversial subject. Sir, I think it is a vital economic question which has to be reconsidered in all its bearings with detachment and in spirit devoid of passion. I think the present is not the suitable time for undertaking legislation on a measure like this. At a time when the province is torn asunder by bitter communal strifes and mutual distrust and suspicion, it will be a rash act for the Ministry if they take the responsibility of undertaking legislation on such an intricate subject. Every act of the Ministry is now suspected by the Hindus and any attempt to legislate on the subject is bound to further embitter the communal feelings in the province.

The manner, Sir, in which the Ministry at the eleventh hour manipulated the personnel of the Commission by additions and replacements with a view to secure majority for a particular point of view aroused criticism at the time and has given good grounds for questioning the *bonâ fides* of the present Ministry on the subject. Under the circumstances, Sir, I trust that the Ministry will be well advised in avoiding a legislation at the present juncture and in undertaking a dispassionate examination of this vital question.

Mr. D. GLADDING: Mr. Speaker, Sir, with your permission I will endeavour to give some account of the views of the European Party on this proposal that the State should acquire the interests of all zemindars and other receivers of rent in cash. We have come to two main conclusions. The first is that we are unable to see that a case has been made out which is strong enough to warrant the social upheaval, the tremendous expenditure and the financial risks of getting no return for that expenditure that would be involved. And

the other is that none of the terms of acquisition contemplated by the majority report deserves approval because none of them would constitute a fair deal to those expropriated.

Nobody, surely, can deny that the social effects of buying out the rent-receivers of the province, even on terms that constitute a fair deal, will be bad. The step will impair the economic position of many, if not the majority, of them. Their accustomed anchorage in the land will be loosened, and unless they can obtain fresh links with the land by buying themselves in at the bottom—which can only mean by weakening the anchorage of somebody else—they will speculate in other unaccustomed quarters and suffer failure. I do not think that this is exaggeration: I think it is true prophecy, economics being what they are and human nature being what it is. In item (5) of their terms of reference the Commission were expressly asked *to assess what would be the probable consequences of State acquisition on the economic and social structure of the province*. We are astonished to find that the majority report does nothing of the kind. Having ascribed some views on the subject to the minority in paragraphs 91 and 92, it brushes the whole matter aside with two valueless sentences in paragraphs 94 and 96. In the first it says that they "have carefully considered" the question, and in the second it says that they recognise that the proposal "involves a fundamental change in the rural economy of Bengal, affecting vitally the whole social and economic structure of the province". True, but there was no need to appoint a Commission to tell us that. What they were asked to do was to assess the effects, evaluate them, give them weight in the scale. Well, they just did nothing of the sort; and we feel certain that less than justice has been done to this aspect of the case.

On the other side of the account we cannot help feeling that there is over-valuation of the advantages to be obtained by eliminating the rent-receiving interests. I am not referring at the moment to financial advantage, but to what I may call administrative advantage. What amount of truth is there in the claim that these interests stand somehow between Government and the achievement of schemes to better the lot of the agriculturist? For instance, does the existence of these interests in any way hamper the administration of the Damodar Canal Project, or of the jute restriction scheme, or of any of the measures that have been undertaken under the general description of "rural uplift"? Does their existence really present an administrative obstacle to the consolidation of holdings, the restoration of economic holdings or the prevention of transfer of land to non-agriculturists? Would their elimination make it easier to prevent the exploitation of *bargadars* by their immediate superiors? We have grave doubts, and suspect a great deal of barking up the wrong tree. We suggest that Government

should compile a complete list of all such problems, examine each from this angle, and give considered answers with the grounds for their answer in each case. If the balance of the answers is in the affirmative, what does it all amount to? On our present information we cannot believe that it amounts to enough to warrant the social upheaval, the tremendous expenditure, and the financial risks of getting no return on that expenditure, involved in eliminating the rent-receiving interests.

And now for the financial considerations. They are so tremendous as to dwarf all others into insignificance. The Commission's calculations are, as shown by Mr. Gurner, illusory; and the Revenue Department have calculated, as stated by the Hon'ble Minister yesterday, that a scheme of purchase of rent-receiving interests merely down to and including *raiyati* assets, spread over 60 years, would involve during that period a loss to the exchequer rising from 60 lakhs per annum at 10 years' purchase to 336 lakhs per annum at 15 years' purchase. We can well believe it; and we should welcome in due course a detailed statement on the matter carrying with it the authority of the Finance Department, who appear to have been silent on the subject since they gave the admirable evidence which will be found at pages 495 to 527 of the 5th volume of the report. At the same time we should like to know in what manner Government would propose to cover these losses. Presumably by taxation. If so, by what measures of taxation? These disclosures, Sir, greatly alter the perspective of the picture as presented by the Commission and, when communicated to the public, as they should be, will presumably cause a considerable shifting of public opinion, which has so far based itself upon opposite assumptions. There is no escape from these figures by stopping short of acquiring the whole chain of tenures down to and including *raiyati* tenures; for that would give the lie to the professed intention of the whole scheme. On the contrary, the acquisition, as the majority report itself recommended, ought to go below the *raiyat*; meaning greater outlay still and greater loss per annum still. Nor is there any comfort to be got from speculating as to what the position would be when the 60 years are over; for we believe that the peasantry, when they became direct tenants of the State, would be more likely to oppose than to support the raising of rents payable to the State, and that their opposition would be the determining factor.

Nor can we agree that there is any escape from these figures by recourse to lower standards of compensation. On the contrary—and here I come to the second main conclusion of the European Party—we are opposed to acquisition at so low a multiple as 15 times the net average profit. We can see no justification for the capital levy upon a particular section of the public which this would involve. In our

opinion full market value ought to be given, namely, a sum, whether in the form of cash or bonds, which would yield in the ordinary money market an income as near as may be to the annual net income derived from the assets which are acquired. After all, what is contemplated is the breaking by the State of a contract made by the State and a chain of subordinate contracts based on that contract; and it is a matter of great importance that the State, one of whose main functions is to preserve and enforce the sanctity of contracts, and especially to preserve public confidence in its own integrity, should apply to its own transactions the principles which are enforced between citizen and citizen in its own courts. In order to satisfy those principles, the persons expropriated ought, at the rates of interest nowadays current, to be given something like 25 times the net average profit. If we cannot afford to do this, then we should not expropriate them. A neighbouring Government—I refer to the Government of Burma—affords an example, if one is wanted, of correct behaviour as we see it. That province proposes to expropriate absentee Chettiah landlords who have come into possession of agricultural holdings by foreclosing on mortgages, and to distribute the land back to the cultivators.

The expropriated landlords are to be given the market value of the land in full at the time of acquisition; and they will have a right of appeal to a bench of High Court Judges as regards the market value assessed. Why should Bengal do less than Burma in dealing with its own nationals?

We feel strongly, Sir, on this question of the pitch of compensation and repeat that, if the province cannot afford a fair deal, then the whole idea of expropriation should be dropped. To drop it, Sir, will not mean stale-mate or frustration of any kind. On the contrary, it will mean that, instead of paralysing ourselves financially for the next 60 years for the sake of highly problematical gain to people of the 21st Century A.D., we shall be retaining our present freedom to do good to the peasantry of our own generation by measures which we can afford, to be financed by taxation which, for the same reason, we shall be better able to put upon the statute book.

Maharajkumar UDAY CHAND MAHTAB: Sir, I welcome this opportunity of a debate on the Land Revenue Commission's Report and I also frankly welcome the report itself for the mass of weighty evidence and the wealth of statistical information that it has brought out. But my only regret is that the recommendations of the Commission are not based on these materials and I shall presently show that the Commission's main proposal of State acquisition of all rent-receiving interests cannot be justified by any consideration whatsoever.

The Hon'ble Revenue Minister has given us a very illuminating analysis of the report and I have very little to add to it. The majority of members of the Commission have categorically stated a number of disadvantages of the existing land revenue system which is based on the Permanent Settlement. One of their strongest arguments is that it has rendered land revenue of Bengal almost entirely inelastic and that the share which the Government ought to receive from the produce of the land is substantially less than what is taken in provinces where there is no Permanent Settlement and where lands are less productive. The Hon'ble Revenue Minister has give us certain facts which show that this contention of inelasticity of land revenue is not correct. It will be seen that the land revenue of Bengal whether in relation to the rental value or the gross value of the produce or the total provincial revenue from other sources does not compare unfavourably with the incidence of land revenue in other provinces. A comparative study of the tenancy law of the different provinces clearly shows that the *raiyats* in Bengal enjoy far more rights and privileges than their compatriots in other provinces. The Bengal *raiyats* also pay much lower rate of rent. Judged by the statistical data on density of population, number of agricultural labourers, family budgets of agriculturists and their indebtedness, it has been seen that the general economic condition of the cultivators of Bengal is much better than in the provinces which the Commission visited. Yet there are provinces where the pressure of population is not even half of that in Bengal and where the available cultivated area per head of agriculturist is much more than in Bengal. How is it then that under *raiyatwari* system in these provinces Government could not provide sufficient land to every cultivator and render the holdings economic?

Sir, the Commission has rightly observed that the pressure of population on land is the ultimate cause of Bengal's economic troubles and that no cause—certainly not the Permanent Settlement alone—has been responsible for the general poverty and indebtedness of the agricultural population of Bengal. The author of the "Man behind the Plough" who is no other than our distinguished occupant of the Chair has recorded his weighty opinion as follows: "Let us not be under the delusion that the mere solution of the tenancy problem of Bengal is a panacea of all the evils. Even if the Permanent Settlement be totally abolished and the chain of intermediaries be wiped away by a stroke of the pen, we must have clear notion as to how far it will help the peasant to get two square meals a day". Sir, this is the real position, and I would request the House to note the fact that the various factors which have contributed to the distressing condition of the cultivators in Bengal give rise to problems which would have to be faced by the Government whatever may be the notion of the land revenue system

of the country. On the other hand, a correct analysis of the position will show that compared with the *raiyatwari* system in other provinces, the Permanent Settlement on the whole has not ill-served the State or the entire community dependant on agriculture.

Sir, I respectfully submit that the abolition of the Permanent Settlement and the entire land revenue system on which it is based is fraught with many serious consequences and it will be taking a very dangerous risk unless it is justified by a deep consideration of social, economic and financial aspect of the matter. A mere preponderance of individual opinion cannot decide an issue of such magnitude. But even then the opinions of the people who are in a position to express them are so divergent that it is almost impossible to strike a balance.

The Commission is not very sure of the financial implication of its own proposal. It is for this reason that it has taken care to emphasise that although financial results will have to be carefully considered, the scheme of State acquisition is not solely based on a prospect of financial gain but that it is the outcome of more vital considerations. The Hon'ble Revenue Minister has given us a picture of the financial position of state acquisition by taking into consideration all loss accounts as indicated in the Commission's report and the analysis of Mr. Gurner. It will be seen that on the basis of ten times the rent income as compensation, there will be an annual deficit of 60 lakhs and on the basis of 15 years' purchase, the annual deficit will be 3,36 lakhs for 60 years. Thus the prospects of financial gain are illusory. It is, therefore, a matter for serious consideration whether any Government can go in for an enterprise of such a mangitude and incur a loss for 60 years with the off-chance of making some financial gain in the end of that period. It has been assumed that the total rental payable by the *raiyats* will remain the same throughout. Nobody knows what would be the economic condition of the country 60 years hence.

On the other hand, the rate at which the population is increasing with the corresponding reduction in the size of a holding unmistakably shows that the holdings will be still more uneconomic in the course of time. The result will be that the tenants will not be able to pay their rents. It will, therefore, be very unsafe to base an estimate of increase of revenue 60 years hence on the existing rental value. Moreover, if State acquisition is going to be a losing concern during the first 60 years it is difficult to see how Government will provide means to make effective the other vital consideration for which the majority of the members have recommended the measure. Sir, the Commission has recognised that by State purchase the income of the proprietors, tenure-holders and other rent-receivers will be reduced to half or even less. So far as the tenants are concerned, it is obvious that no benefit will accrue to them. The Commission has ruled out the idea of fixity or any general

reduction of rents. On the other hand, periodic enhancements of rent have been contemplated if the State were the sole landlord. The prospect of indirect benefit accruing to the tenants in the shape of social service is also nil, as Government would not get any extra money by State acquisition. This being the position, the question that inevitably arises is why a change in the system is at all called for if it is not going to benefit anybody. I submit, Sir, with all the earnestness at my command that there would be no moral justification for such a radical change as recommended by the Commission unless it is demonstrated that without it no co-ordinated plan of general economic and agricultural reconstruction can be put through which will ensure (1) economic holding for each cultivating family with a fair rent and fixity of tenure and (2) increased yield and fair prices and marketing facilities for the agricultural produce and (3) employment elsewhere for at least 25 per cent. of the existing agricultural population who can no longer be supported by land. Sir, the Government cannot also afford to ignore the interests of the very large body of rent-receivers who will be cut off from lands. It will not be enough even if they are fully compensated. A huge capital which was so long invested in land will be suddenly released and unless it is properly utilised to increase the wealth of the country it will be wasted before long. I, therefore, suggest that before any scheme of State acquisition is put through, Government should intervene and undertake some of the basic industrial ventures in well chosen areas so that the released capital of the landholders may be invested therein. Facilities should also be created for the expropriated landlords in order that they may in the long run supply the necessary leadership in the industrial development of the country and be effective producers of wealth. Any scheme of State acquisition must, therefore, be preceded by a well-planned and comprehensive scheme of agricultural and industrial reconstruction of the country. Sir, I need hardly go into the details of the scheme of State acquisition, but I think I shall fail in my duty if I do not refer to the question of compensation. The majority of the members of the Commission have recommended compensation to be paid to the expropriated rent-receivers at a flat rate of ten times the rent income. Such a low rate of compensation will be unique in the history of compulsory acquisition of land interests in the whole world. Sir, Mr. Gladding has taken the words out of my mouth with regard to the Burma Government Land Purchase Bill which was piloted through the House of Representatives. Its object is to purchase at a fair price lands from absentee landlords and distribute them to landless cultivators. The owner is to get full market value of the land which would be assessed by a senior officer of Government on certain fair criteria as laid down in the Bill. The valuation of the officer would be subject to appeal to a bench of three Judges of the High Court. These special features of the Bill clearly show that the Burma Government are anxious to remove

all anxiety of the landlords lest the machinery to be provided by the Legislature be used in order to deprive the land-owners of the just price of their lands. There is no reason why the Bengal landlords should not receive the same consideration as in the Burma Bill. Sir, I am fully aware——

Mr. SPEAKER: Your time is up.

Maharajkumar UDAY CHAND MAHTAB: I shall finish in five minutes. I fully realise the situation. I would not like to escape them. The new constitution has given the tenantry of Bengal a dominant position in the Legislature which has been fully utilised for a declaration of occupancy *raiyats'* unrestricted right of transfer. It has deprived the landholders of an annual income of about Rs. 40 lakhs. The provisions for enhancements of rent have been suspended and all possible difficulties have been created for realisation of arrear rents. In this way the entire land revenue system is fast being paralysed and there is the risk of a complete breakdown before long. It is precisely for this reason that the Commission has very rightly recognised the fact——

Mr. SPEAKER: Order order. Mr. Birat Chandra Mandal, you must not come to the House in such a way that you stand between a member while speaking and me.

Maharajkumar UDAY CHAND MAHTAB: So long as the zemindari system remains, it is clearly the duty of Government to provide the zemindars with an efficient machinery for collecting their rent just as Government by the help of the very straight measures of the sunset law punctually realise land revenue from them.

Sir, as regards the Commission's proposal for the imposition of an agricultural income-tax, I have just one observation to make. I do not desire to raise any issue on the propriety of such an imposition. But I should like to emphasise that there are certain aspects of agricultural income-tax which clearly distinguish it from the general income-tax. Whatever be the name, agricultural income-tax is virtually a surcharge on land revenue. The imposition of this surcharge does not take into account the paying capacity of an estate and estates whether they are left with a margin of profit of 10 or 90 per cent. of the gross demand are affected all alike. I, therefore, suggest that any estate which is paying more than 75 per cent. of its rental demand as revenue must be presumed to have been paying more than its share of revenue which the Government is entitled to and it will only be fair to exempt such estates from any further assessment.

Sir, I am fully aware of the practical difficulties in giving effect to such a proposal inasmuch as for the purpose of agricultural income-tax the unit of assessment is the person and not an estate which may be

in possession of various groups of persons holding different interests. So I would put forward my proposal in a somewhat different form. If the net agricultural income of an assessee after deducting the demand of land revenue, rent and cesses and other prescribed charges be 25 per cent. of the gross collection or less, there should be a further deduction of, say, 10 per cent. in order to obtain the net assessable amount.

With these observations, Sir, I wish to resume my seat.

Maulvi ABDUL LATIF BISWAS: Sir, I thank the Government for placing the report of the Land Revenue Commission before this House for discussion. The report is a valuable document in the sense that it deals with the result of the land revenue system in Bengal prevailing for a period of about 150 years. Sir, in the last election manifesto of all parties the abolition of the Permanent Settlement was the main item and to ascertain the gain or loss the Commission was appointed and the Commission after a thorough and careful examination of the system has come to the definite and emphatic conclusion by majority of opinion that the Permanent Settlement and the zemindary system should be replaced by a *raiyatwari* system in order to improve the economic condition of the cultivators and thus the Government be brought into direct relation with the actual cultivators by acquisition of superior interest in agricultural land. The Commission by a majority of opinion concludes that if the Government come in actual contact with the cultivators by State acquisition of zemindaries and other interests, the management will be more efficient and more in the interest of the agriculturist population than the zemindary management. The Government will also be able to bring about the consolidation of the holdings, the restoration of the economic holdings and ameliorative measures regarding the land. Even if the State management increases the rent, this increment will undoubtedly be returned in the shape of social services. The Commission *inter alia* has recommended the imposition of a tax on agricultural income. If the matter is considered dispassionately keeping the interest of the province as a whole in view and not looking upon the zemindars to be the favoured children of the soil for whose interest the cultivators of the province are to be kept under perpetual economic bondage, the recommendations of the Commission require to be given effect to at the earliest convenience. No doubt, Sir, it will take a few years to give a practical shape to the recommendations regarding the State purchase of the zemindaries, but that is no reason why the imposition of tax on agricultural income should be delayed. So I, in my capacity as representative of the people, urge that the imposition of income-tax on agricultural income should be taken up without any delay, and the work of State purchase be pushed incessantly.

Now, Sir, it has been pointed out by the Commission that the compensation is to be paid in consistence with the provisions of the law. If that is the position the compensation should not be more than 5 times of the net income. It had been recognised in Hindu times that the cultivator had been the proprietor of the soil and he had to give a share of his produce to the king in return for the protection of his life and property given by the king and also in return for irrigation facilities given by the king. This condition was maintained in Muslim times also, and the East India Company who after the battle of Plassey received the Dewani could not legally claim to have possessed the proprietary right of the soil and as such they could not grant any proprietary right in the land to the zemindars. Moreover, if they claim that by virtue of acquiring the Government of the province they can equitably grant the proprietorship of the soil to the zemindars, this autonomous Government can also take away that right by giving them even the smallest compensation.

Now, Sir, a few words regarding the note of dissent given by the Maharajadhiraj Bahadur of Burdwan and Mr. Brajendra Kishore Roy Choudhury—two prominent zemindars of the province. Before considering that I will ask the House to consider one fact. These two gentlemen were representatives of the zemindars and it is an undoubted fact that against inequities committed by the landlords there were agitations against the Permanent Settlement. And it is also an admitted fact that when there are grievances agitation comes into existence and to enquire into the matter whether this agitation was justified the Commission was appointed. And in that Commission these two gentlemen came as representatives of the zemindars and it can be reasonably taken up that their opinion could not be an unbiassed one. Fortunately the President of the Commission was not connected with any interest of the province and he came from overseas with an unbiassed and unprejudiced mind and his clear opinion regarding the recommendations for the replacement of the Permanent Settlement will carry us a long way to give the correct decision. I agree here with the view expressed by the Maharajkumar that it is not the majority opinion but the opinion of one person who considers the matter thoroughly well that will be considered valuable. In this connection it may be said that the opinion given by the President of the Commission, a man from outside India, should be considered very valuable, and if that is a fact, this fact should be taken into consideration that his opinion should override the opinion of the interested party. If after carefully considering the pros and cons of the matter the President thought that in the interest of the province as a whole the zemindary system should be abolished, that opinion should be given effect to without delay.

Now, Sir, the Commission has rightly observed that the object of Lord Cornwallis to create a class of landlords to supply capital for the

improvement of the soil and for expansion of cultivation has been frustrated, although the Maharajkumar has in vain attempted to repudiate this. The richest soil of Bengal has been deteriorating day by day for want of capital within the reach of the cultivator, whilst the zemindars with their swelling income from the rent and other questionable sources are passing their time in various luxuries and in palatial buildings. If the zemindars actually resided in villages and looked to the welfare of the tenants and carefully carried out the trust reposed in them by Lord Cornwallis, this state of things could not have happened. Over and above, Sir, another fact should be taken into consideration and it is the inelasticity of revenue. Mr. Lahiri of the Hindu Mahasabha has said that the Government should spend more money in order to give irrigation facilities, but at the same time Mr. Lahiri should have considered the fact that this inelasticity of the revenue has handicapped the Government to a great extent. It is the duty of the land-owning classes to do what was expected of them, and the Permanent Settlement was made with this hope that they would bestow their best attention to the improvement of the agricultural condition of the country, but they have not done that. And that is why, Sir, I cannot agree with Mr. Lahiri for his blaming the Government for not being able to give proper facilities for irrigation. The fund must be necessary and in order to get sufficient fund this Permanent Settlement should be abolished without any delay. Sir, the Maharajkumar has said that the majority of the members here are representatives of the people, and this has been proved by the passing of the Bengal Tenancy (Amendment) Act. At the same time may I remind my friend the Maharajkumar that they had proved their existence in the year 1928 when they were in a majority.

Everything is to be considered in view of the surrounding circumstances. The condition of the people has been worse and it is meet and proper that the financial condition of the Government should be improved by every possible attempt.

Sir, without taking much time of the House I may again urge that Government should lose no time in dealing with the recommendations of the Commission. This is the demand of the agriculturists and as such of the country and the Government which claim to be a popular Government should rise equal to the occasion and should give effect to the recommendations with the least possible delay.

Babu KSHETRA NATH SINGHA: Mr. Speaker, Sir, I do not like to enter into a discussion of the various points made by my different friends—the zemindars on one side and the Europeans on another side, my communist friend Mr. Dutta Mazumdar on one side and my Coalition friends on the other. But, Sir, we the Scheduled Caste people have got our own grievances, particular and pecular in every sphere of life in this province.

Sir, I have read again and again this report of Land Revenue Commission and the summary procedure of Mr. Gurner, but I have not found anywhere any practical suggestion by the Committee or by any particular individual. Sir, we have seen in this Commission's report that they have suggested that 10 times compensation will be sufficient to cover the compensation to be given to the zemindars and other tenure-holders, but Mr. Gurner has raised that to 15 times and the Maharajkumar would like to raise it to 50 times or something more than that. Sir, I ask the Government and my other friends why should we go to pay compensation for the enjoyment of rights under the British rule for 175 years. Sir, they claim that they have purchased the lands or have made improvements on the land and so they must be compensated; but, Sir, I do not know what improvement they have made and what purchase money the zemindars have paid. Sir, I can cite instances from North Bengal, from the Cooch Behar Raj, that the zemindars never paid anything for the enjoyment of the Permanent Settlement; for anybody who is aware of the history before the British Raj knows that the Cooch Behar Raj was the supreme authority in North Bengal. The Cooch Behar Raj appointed several *tahsildars* to collect revenue paying 10 per cent. as their remuneration and this 10 per cent. afterwards by the grace of the British Government was made permanent and the zemindary system was created at the cost of the mass of the people.

Sir, we are not at all willing to give compensation. But I am not going to discuss the matter, because the time at my disposal is very short. My point is this, what will be done if this Permanent Settlement is annulled for the Scheduled Caste people. Sir, we are suffering under a grave wrong during these long years. The fishery right, the only right of the Scheduled Caste people, has not yet been recognised and nobody has taken any interest in the matter. During these years of precious Provincial Autonomy Government has not brought forward any Bill to be placed before the House and to be put into action at once. If this state of affairs continues, then the Scheduled Caste people will get nothing from the hands of Government. Paying compensation at the rate of 5, 10 or 15 times means nothing to the poor Scheduled Caste people. We want that our condition should be raised. We do not know if this Permanent Settlement is annulled, precious heavens will come to our help and the cultivators and the people of the province will enjoy great boon and benefit under the Government. What we want is that if the Permanent Settlement is an evil, abolish it at once and bring the people of the province under great advantages. But this is not to be done. There are several hundreds of objections raised and it is being publicly proclaimed that this is impracticable and that this cannot be done. Sir, if no good can be had to the people under this Land Revenue Commission's report, then why this

praise from the members of the Coalition Party. We the Scheduled Caste people, we the weaker people of the province want that some advantage will come from the annulment of the Permanent Settlement that is existing from time immemorial. We do not want that the middle class people, the intelligentsia, the brainy and monied people of the country should be crushed to bring something which is *Delhika ladoo*. We do not want this sort of *laddoo*.

Mr. SPEAKER: *Laddoo* of which place would you prefer? (Laughter.)

Babu KSHETRA NATH SINGHA: That is a good thing to enjoy but not to live upon. We want something substantial to eat and to live and prosper. We do not want that it should be done in this way by tinkering. If Government is at all serious, if my Coalition friends are serious, we will support them whole-heartedly, we will vote with them to annul this Permanent Settlement, but we want that something substantial must be done for the people so that they may live and prosper like the people of other independent States. But that will not be done by this Government. I say, Sir, quite frankly that this revolution must not come in this way by making legislation and legislation and by appointing committees and committees. Now, Sir, Russia is our friend. (Laughter.) If my Coalition friends want to have it, let the Russian system prevail in this country and let them be bold enough and their poor brothers will help them. Let them be bold enough and bring a Bill at once to annul all sorts of encumbrances of the *raiyats* and other people and let everything go to State. Remember, we want to nationalise everything, because that will bring great good to the great number of people. Minorities must suffer for the majority, this is the rule of the world and this thing must be done and we shall pray to God that the Coalition Government may be strong enough to help the masses, to help the poor people and to help the neglected ones. If that cannot be done, I ask my Coalition friends not to tinker with matters. They have promised much; they have tried to do many things but failed to do anything up till now. Now at the last day of the Assembly's life you cannot do anything of this sort.

We know from voices raised from all sides and from papers that this is an impracticable thing and this will ruin the whole of Bengal and create havoc. But if you are bold enough, bring in a fresh Bill and do it at once; but the Government is reluctant to do this. The Government does not know its own mind. Yesterday some of my Congress friends asked the Government to make its mind clear and let the people know what it is going to do but the Government is so much shy about that respect. The Government will not expose its

mind to the people and take the burden on its shoulder. If Government is really serious, if Government is for the masses, let Government be bold enough and we shall thank Sir Bijoy, the zemnidar, that he has done a great good for the people and they will live prosperously and will thank God for the good that this Government has done to the people.

Mr. RASIK LAL BISWAS : সভাপতি মহাশয়, এই বিষয় নিয়ে অনেক কিছু বলা হোয়েছে; কাজেই নূতন কিছু বলবার সম্ভাবনা আছে বলে আমার মনে হয় না। জমিদার পক্ষ থেকে তাঁরা যা বলেছেন তাতে তাঁরা দেখিয়েছেন যে Land Revenue Commission জিনিষটা একেবারে ভুয়া এবং তাঁরা যা recommend করেছেন তা একেবারে অসম্ভব—কিছুতেই কার্য্যকরী হতে পারে না। আবার প্রজাপক্ষ থেকে বলা হোয়েছে Land Revenue Commission যা সুপারিশ করেছেন সেটা সঙ্গত হোয়েছে; জমিদাররা যা বলছেন সেটা কিছুই নয়। কাজেই এই যে কথা কাটাকাটি এর মধ্যে সত্য, কিছু কিছু, উভয় পক্ষেই আছে। কিন্তু এর মীমাংসার কোন উপায় নাই। এরূপ স্বার্থসংশ্লিষ্ট বিষয়ের কোন মীমাংসা কোন দিন agreement দ্বারা হয় নাই। বিশেষতঃ এরূপ বিষয়ে সকলে এক মত হবেন তাহা আশা করা যায় না। মীমাংসা যদি করতে হয় তাহলে সেটা করতে হবে হয় ভোটের দ্বারা আর না হয় জনমতের অভিব্যক্তির দ্বারা। তা না হলে জমিদারেরা চিরকাল যে উপস্বত্ব ভোগ করে এসেছেন তা তাঁরা কিছুতেই ছাড়তে রাজী হবেন না। Commission অনুরোধ করলেও রাজী হবেন না, পৃথিবীর সমস্ত লোক একত্রিত হোয়ে বললেও রাজী হবেন না। কাজেই এই বিষয়ের মীমাংসা এভাবে আলোচনা দ্বারা কিছুতেই হবে না।

জমিদারেরা বরাবরই ছিলেন দেশের rent-collector. তাঁরা rent-collectorএর position থেকে হয়েছেন land proprietor. এই যে long lift এর থেকে change হলে তাঁদের অসুবিধা হবে। উপর থেকে তাঁদের নীচে সকলের সমান তলে নামতে হবে। সেটা তাঁরা কেউই চান্ না। কাজেই তাঁদের কথা না শুনে আমাদের এগিয়ে যাওয়া উচিত। এই বিষয়ে গভর্ণমেণ্টের তরফ থেকে এবং অনেক officialএর তরফ থেকে নানা রকম যুক্তি এসেছে। একটা system যুগ যুগান্তর থেকে চলে আসছে, সেটাকে তুলে দিতে হলে নানা রকম difficulty সামনে এসে পড়বে। অনেক অসুবিধা হবে সত্য, কিন্তু এই difficulties face করা ছাড়া উপায় নাই। অনেক যায়গায় calculation, miscalculation দাঁড়াবে। যেখানে লাভ মনে করা যাচ্ছে সেখানে লোকসান হওয়া অসম্ভব নয়। কিন্তু, তাতে যদি দেশের, দশের এবং জনসাধারণের মঙ্গল হয়, সামাজিক বৈষম্য দূর হয়, এবং যদি দেশে শান্তি-শৃঙ্খলা ও সাম্য আসে তা হলে কিছু দিনের জন্য সে ক্ষতি স্বীকার করতেই হবে। তা ছাড়া আর কোন উপায় থাকতে পারে না।

এখানে যে বিষয়টির অবতারণা করা হয়েছে তা নিয়ে অনেক উত্তর প্রত্যুত্তর হবে। আমি একটা কথা বলতে চাই। মহারাজ-কুমার বলেছেন Burma systemএর কথা। কিন্তু সেটা একটা wrong analogy. সেখানে যাঁদের compensation দেবার

ব্যবস্থা হয়েছে তাঁরা জমিদার নন তাঁরা tenants. যে সমস্ত Indians Burmaতে সম্পত্তি করেছে এবং সেখানে থাকে না, সেই সমস্ত Indian tenantsএর হাত থেকে জমিগুলি নেওয়াই হল ওদের আইনের প্রধান উদ্দেশ্য।

আমাদের এখানে যে expropriationএর কথা হচ্ছে সেটা হওয়া উচিত। তবে দেবোত্তর এবং ওয়াকফ্ propertyগুলির expropriation হওয়া উচিত নয়। কেন না, সেগুলি ভগবানের নামে দান করা হয়েছে এবং সেগুলির আয় দেশের ও দশের কাজে লাগাবার ব্যবস্থা হয়েছে। তা ছাড়া অন্যান্য সমস্ত estateগুলির management এর ভার গভর্ণমেণ্টের নিজের হাতে এখনই নেওয়া উচিত। যে টাকা প্রত্যেক জমিদারীতে আদায় হয় তার শতকরা ১০৲ টাকার বেশী collector charge হওয়া উচিত নয়। তারপর reserve fund এর জন্য ১০ per cent. রাখা উচিত। তারপর জমিদারদের কিছু allowance দিতে হবে কেন না তাঁদের বাঁচিয়ে রাখতে হবে অন্ততঃ এক generation. ইতিমধ্যে তাঁরা তাঁদের avenues of employment খুঁজে নেবেন; তাঁরা চাকরী করবেন, কি industry করবেন, কি চাষ করবেন, তা তাঁরা বেছে নেবেন। আর 25 per cent. improvement of landএর জন্য খরচ করতে হবে এবং 20 per cent. প্রজাদের মধ্যে social service এর জন্য রাখা যেতে পারে। এই সকলের ভার একটি departmentএর হাতে আনতে হবে এবং একটি bold policy follow করতে হবে। "ধরি মাছ, না ছুঁই পানি" এই policy চলবে না। (An opposition member : মারামারি করতে হবে।) দরকার হলে মারামারি করতে হবে। রাঙ্গা মুখের প্রশংসা বা নিন্দার অপেক্ষা করলে চলবে না। কিসে দেশের ও দশের স্বার্থ বজায় থাকে, কিসে জনসাধারণের উন্নতি করা যায়, সেই দিকে দৃষ্টি রেখে কাজ করতে হবে।

তারপর এখন থেকে Sunset Law আরো strictly observe করতে হবে। আর Court of Wards Department একেবারে তুলে দিতে হবে। কতকগুলি অকর্ম্মণ্য জমিদার পোষবার জন্য গভর্ণমেণ্টের এই departmentএর প্রয়োজন দেখি না। যখন জমিদারী প্রথা রদ করা হচ্ছে তখন উহা বজায় রাখবার জন্য গভর্ণমেণ্টের এ চেষ্টার কোন মানে হয় না। যে সমস্ত জমিদারেরা সহজে জমিদারী গভর্ণমেণ্টকে দিয়ে দিবেন না তাঁদের উপর agricultural income-tax মোটা রকম বসাতে হবে। তাঁরা মোটর হাঁকিয়ে যাবেন আর আমাদের জীবন অতিষ্ঠ করে তুলবেন, তাঁদের পোষবার জন্য গভর্ণমেণ্টের একটি department থাকবে এবং তাঁরা জনসাধারণের টাকা নিয়ে ছিনিমিনি খেলবেন এবং দরিদ্র জনসাধারণের উপর শোষণ এবং অত্যাচার করবেন, এটা কিছুতেই সহ্য করা যেতে পারে না। কাজেই এখন থেকেই তাঁদের উপর agricultural income-tax বসান উচিত। আমাদের আরও দেখা উচিত তাঁরা যেন নানা রকম agreement করবার এবং ইতিহাস খুঁজে ছিটে-কোঁটা নজির বের করে নানা রকম বাধা সৃষ্টি করবার সুযোগ না পান। যা হয় সত্বরই করে ফেলতে হবে, ইতস্ততঃ করলে কাজের ক্ষতি হবে। আমি Scheduled Casteদের তরফ থেকে বলছি যে Land Revenue Commissionএর সুপারিশ আমরা সমর্থন করি এবং সত্বর যাহাতে জমিদারীপ্রথার বিলোপ সাধন হয় তাহার কামনা করি।

Maulvi ABDUL MAJID: Sir, the Revenue Commission's report makes mention of instruction to it to report about practicability or advisability of Government to acquire all the superior interests in agricultural land so as to bring the actual cultivators into direct relation with the Government. The Commission appears to have taken the term "actual cultivator" to mean the primary tillers of the soil including all *bargadars* and excluding only the paid labourers. This will involve the unsound and uneconomic proposition of distributing Bengal's 30 million acres of culturable land among the major portion of its 34 million agricultural population.

Government's intention in setting up the Commission must have been primarily to ensure economic prosperity for the country by securing the position of its chief wealth producers. These must be the owners of the soil, both big and small, who having the greatest stake in the land of the country as the principal means of their livelihood, possess the largest resources to get the utmost out of the land in their respective possession; as also those who through age-long experience know how to get the best out of their land. In this category must be included all the occupancy-holders as well as those seasoned cultivators who have lost their land through adverse circumstances to their landlords and *mahajans* and are now working as mere *bargadars*, but still entertain the greatest affection for the land on which they and their forefathers once throve. Even those landlords who after State purchase of their interests will take to agriculture on their *khas* land as their chief profession may well be included in this category.

It is admitted that under the Hindu and the Muhammadan kingdoms the cultivator was the owner of the soil and the king was entitled only to a share of the produce for meeting the expenses of his kingly duties. According to this relationship between the sovereign and the cultivator there was no place for a middle man except as an officer of the sovereign power for collection of the produce or the *kheraj*.

This was the position of the *raiyat* and the zemindar when the Permanent Settlement came declaring the zemindar as actual proprietor of the soil. This had the immediate effect of promoting the erstwhile rent-collectors into the position of owners of the soil automatically reducing the position of the actual owners by law and custom into a subordinate position dependent on the zemindars.

According to Muhammadan jurisprudence the sovereign as merely the shadow of God cannot alter the law of God as given in the Koran. The change in the position and status of the cultivators made by the provisions of the Permanent Settlement Regulation under authority of the Dewani was, therefore, quite illegal and *ultra vires*.

Commission's report correctly maintains that the zemindars have already served out their purpose. The East India Company and the

question of its dividend no longer exists and under the democratic form of present Government zemindars have entirely lost their importance as pillars of the State. There is not, therefore, even the ghost of any justificaion for the country to bear the heavy burden of paying Rs. 13 crores to the zemindar for doing the same service under the present Government which they used to do under the Company for only Rs. 35 lakhs and for the starving cultivators to bear the astoundingly heavy burden of paying Rs. 131·5 crores for maintaining the non-cultivating landlords' families and their dependants.

The majority of the Commission has, therefore, rightly come to the conclusion that the zemindary system has ceased to serve any national interest and that provided that a practicable scheme can be devised to acquire the interests of all classes of rent-receivers on reasonable terms, the policy should be to aim at bringing the actual cultivator into the position of tenant holding directly under the Government. In this recommendation, however, the Commission apprehends a fundamental change in the rural economy of Bengal affecting vitally the whole social and economic structure of the province. I may assure the House that with the interpretation I give to the term actual cultivator all such apprehension of social and economic upheaval vanishes. Landholders as such have no unreplaceable place either in the social fabric of the country or in the State. Most of them are now regarded as mere capitalists and it will involve no violent shock at all to the society or to the State if they now transfer their investment from land to industries for which a good opening has been created by the present World War.

For a practicable scheme I present to the House a modified form of Commission's proposals as suggested by the Special Officer.

All the interests superior to that of holders of occupancy-right may be paid off at a rate to be fixed by the Legislature from 5 to 10 times the annual net profit derived from holders of rights immediately below them till all the superior rights and interests below the Crown are paid off either in cash raised or by debentures issued or by both on a national debt amounting to actual net value of all the superior interests above the occupancy-right. *Wakfs*, *debattars* and trusts may be paid at a higher rate sufficient for maintaining them. Payments as much as possible by debentures with income sufficient for maintaining landlords' families will be advantageous both for the landlord as well as for the Government.

Acquisition of zemindary right by Government will transform the *raiyats* into khasmahal tenants. Serious objections have been raised against this position on reasonable grounds. Removal of *mahajans* will also destroy credit agencies to which the cultivators have to seek help in times of real need. Both these disadvantages can very well be

solved by arranging the collection of rent through village banks constituted in every village on co-operative principles, with all the land-owning villagers in respective villages as their members. At the initial stage these banks may be financed by Government from the proceeds of the sales tax. I have obtained expert opinion that 80,000 banks will be necessary to cover all the villages of Bengal. About 30,000 banks are already in operation. If 30,000 banks can henceforth be started each year, entire Bengal can be organised on co-operative principles in course of the next two years. When the adequate number is reached a short course of training will be necessary to make these societies efficient rent-collectors. Before making a valuation for payment to the landlords steps must be taken to return to the actual cultivators as far as practicable all land rendered *khas* by zemindars and *mahajans*, by arranging to pay off through the village banks the actual original debt with reasonable interest, where necessary, by easy instalments spreading over a number of years. If so desired provision may immediately be made affording facility for the under-*raiyats* to purchase their land through the village banks, if necessary, at a rate to be fixed by the Legislature. Standard rate of fair rent for agricultural, urban and market lands may be fixed at once of all the land in the country. In absence of any other more reasonable basis of calculation Rs. 3-5 per acre which is the level of rent paid by occupancy-*raiyats* in Bengal may be accepted as the standard fair rent for agricultural land and double that rate for urban and market land. All rents exceeding these rates may at once be reduced to these standard rates and amounts of compensation calculated on this basis. Reassessment on quality basis may then be made at leisure on fresh settlement proceedings either taking these standard rates as the average or fixing any other standard rate that may be thought advisable.

Strict Government control and supervision that will have to be maintained on these village banks as rent-collecting agencies, will ensure their stability. It is needless to mention that organization of the whole country on co-operative principles and successful running of these co-operative societies will afford the best opportunity for inaugurating all-round improvement in village life by starting all sorts of useful institutions and will ensure prosperity to the country far more easily than co-operative organisations did in Denmark or abolition of feudal system did in Japan.

In considering the financial prospect of State acquisition the Commission's report could show only a problematic gain to Government coffer. This is due mainly to its going to unnecessary length in the matter of payment of compensation as well as expenses of acquisition. Government did not receive any consideration for whatever rights the zemindar obtained under the Permanent Settlement and is not therefore bound either legally or morally to pay any compensation to them

for annulling the measure. It is only under section 299(2) of the Government of India Act that the landlords can claim any compensation if the whole transaction be proved to be a case of compulsory acquisition for public purpose. Rate and amount of compensation under this head will depend entirely on the discretion of the Legislature and not on adequacy. Even if adequacy is sought for, valuation of the zemindary right in the present condition of the country will never be more than ten times the amount of annual net profit, and if the protection of the Court of Wards and certificate power to which the landlords are by no means entitled under the provisions of the Permanent Settlement Regulation be withdrawn, many zemindaries will be put to sale for default and I am sure the bid will not rise even to five times the annual net profit.

The Commission has found State acquisition of zemindary right as the only solution in the present juncture of the country, as Select Committees appointed by the House of Commons so long ago as 1830 also found to be the solution at that time. The plain duty now before the Government is to find a special portfolio under a sincere man of action, charged with the completion of the task. No half-hearted measure as suggested by the Special Officer will do. For in this landlordridden country any half-hearted measure will only be a veiled trap for making out a plausible case for discrediting the measure as utterly impracticable or entirely disastrous. The agriculturists of the country are on the verge of complete breakdown. The only course open before the Government for saving them is to take effective, immediate and irrevocable steps to remove the incubus of zemindars and *mahajans* from their lives for good and all.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. DEBI PROSAD KHAITAN: Mr. Speaker, Sir, I did not have any desire to take part in the debate on this question. But, having listened to the debate that has taken place, I do not understand that if the Permanent Settlement is abolished and the rights of landholders are acquired compulsorily by the State, who will benefit? I feel that neither the Government nor the landholders nor the tenants themselves will have anything to benefit by this deal.

Sir, there is one point, however, which I have not heard stated in the whole course of the debate that has taken place on this question. I wish to mention it because I consider that that is an important part of the problem that will confront the Government on this issue. I mean the question of income-tax and super-tax that will be payable to the Central Government as a result of compulsory acquisition of the landholders' interests. At the present moment, as everybody in

this House is aware, no income-tax and super-tax is payable to the Central Government on agricultural income. If the zemindars' interests are converted either into cash money or into bonds given by the Government, the natural result will be, that, the income that will accrue from either the cash or from the bonds will, under the ordinary law of the land, become assessable to income-tax and super-tax, which will go to the Central Government outside this province. From the figures that are available to me it is not possible to calculate how much amount will be payable to the Central Government on this account. But, having regard to the fact that about Rs. 13 crores per annum will be involved, it appears safe to think that the amount payable to the Central Government by the province as a whole will not be less than about Rs. 1 crore per annum. On the one hand, the Government of Bengal will have to take that into account in calculating the amount of compensation to be paid to the landholders of this province and, on the other hand, this will be an amount presented by the province over and above the amount of income-tax and super-tax that is at present paid to the Central Government by the income-earners of this province. I suppose, Sir, the Government of Bengal must have taken this fact into consideration and I would suggest that before launching upon a scheme of this character, if the Government of Bengal decide, as they must, to give bonds because they will not have enough cash to give—if they decide to give bonds to the landholders—they should start negotiations with the Central Government that such bonds should be recognised to be of the same nature as landed interests and that income arising from such bonds should be treated as agricultural income for the purposes of income-tax and super-tax. There is no reason whatsoever why the Central Government should not agree to this course being adopted, because at the present moment the Central Government does not get income-tax and super-tax on the income that accrues to the landholders of this province.

Sir, as I have been making this submission I have seen that the Hon'ble Revenue Minister has been smiling at what I have said, but let me assure him that the proposition that I have put forward is not of such a ridiculous or ludicrous character as at the first blush he seems to think. I would suggest, on the other hand, that it is his paramount duty to enter upon serious negotiations with the Central Government if it is the desire of the Provincial Government to launch upon a scheme of this character.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I would like to explain that my smile was of approval and not of ridicule.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I am neither a zemindar nor a tenant and, therefore, I may be expected to

take a detached view of the problem before us. I am surprised, Sir, that the Hon'ble the Revenue Minister thought it fit to initiate a discussion on this problem in the House, for I am one of those unfortunate people who think that there are no two opinions in Bengal or outside it, on the question of Permanent Settlement. Hundreds of witnesses were examined by the Land Revenue Commission and we had brought from distant Canada, one of the greatest experts on agricultural problems recommended by the Viceroy and the Ministers in London and Canada. He was expected to take a detached view of the whole question. The greatest surprise to me in this discussion was that the honourable member who spoke on behalf of the European community thought that the Chairman of the Land Revenue Commission had also erred with the majority. I am again surprised, Sir, why this peculiar and extraordinary procedure of discussion was adopted by the Government. We appointed a Commission. It studied the problem in all its aspects in Bengal and in other provinces. I can understand the Hon'ble Minister consulting an expert or experts in his department, for his own benefit, but the judgment delivered by a senior member of the Civil Service does look a bit derogatory to the dignity of a Government Commission which has, after full investigation, presented to it a report and a majority of whose members have supported the abolition of the present land revenue system. My own feeling is, Sir, that the Government has already taken quite a good deal of time to come to a decision. The League, the Congress and other sections of the House came to the Assembly with the definite intention of unsettling the Permanent Settlement which has been a curse to the province. Knowing the general trend of public opinion in the country which has now been backed by the majority of the Commission, there is nothing for the Hon'ble Minister to wait and see. The old Persian saying, در کار خیر حاجت هیچ استخاره نیست that is, in doing a good piece of work you need not consult any oracle, whether this oracle be a senior member of the Civil Service or your coming once more to us to find out how the different parties in the House feel about the proposition. I feel, Sir, that the time, to-day and yesterday, has practically been wasted for the simple reason that we have nothing further to say. Resolutions and debates in this House are sometimes laughed out and adjournment motions are talked out. I do not know whether we shall be supposed to have discussed out this problem for, in the absence of a vote, we shall have come to no conclusion. But the conclusion is there, clear and unequivocal.

The country has decided that Permanent Settlement shall go. The question is, what will be the best way to get rid of this terrible system. Many speeches have already been delivered but I listened attentively to the speech of the honourable member who spoke on

behalf of the European Group and after that also to a paraphrase of it given by the honourable member for the Landholders' Constituency. I appreciate the fear in the minds of people who have held land so far. The old Indian adage, उत्तम खेती, मध्यम व्यापार, कनिष्ठ चाकरी, is as true to-day as on the day it was uttered. India has, from time immemorial, considered agriculture to be the best vocation in life. Those who desire to unsettle the Permanent Settlement and are anxious to remove the few and to distribute the benefits of the *kheti*, as far as possible, to the many in the province.

Another argument raised in the discussion is about the compensation to be paid to the landholders. Should it be on a basis of 10 years, 15 years, 20 years, or 25 years? No honourable member has told us that due to the many inroads made on the rights of the zemindars the actual price of land has gone down considerably. The zemindar would perhaps be happy to get seven or even five times the return, for he cannot find a purchaser nowadays. If we decide upon 10 years perhaps the zemindar will be happy. Give him 15 years or give him 50 years, but get rid of the Permanent Settlement. The point was also made that contracts made should be solemnly carried out. My knowledge of the history of the Land Revenue System of Bengal may be defective, but, it is an admitted fact that agents who collected land revenue for the East India Company were at best commission agents on behalf of a business company. They have enjoyed this agency for a very long time. We do not want to rob them of the benefits they received under the arrangement, but if the House decides that these agents be now removed, I do not think, Sir, we shall be interfering with the solemnity of any contractual obligations, for the contract did not pass any rights of ownership to them.

The other point made is that the recommendations of the Commission will throw a large section of the population of Bengal out of employment and handicap them in earning a livelihood and thus not only the zemindars but their underlings and intermediaries will also be hard hit. I feel that if the tenant pays something like 13 crores and the Government gets only one-fourth of this amount, we can very well utilise the balance, that is, the remaining three-fourths for the benefit of the province and if any section of the population suffers under the new arrangement, we shall take care of that section. We are out for a revolution. We are out to disturb the placidity of the province. We are out to set up a new political economy in the province. Honourable members have told us that the zemindar has been the means of establishing schools and giving money to hospitals and other charitable objects. I do not dispute that, but, Sir, if you go outside Calcutta, you will realise that Bengal is still in a primitive stage. There are no roads, no houses for the peasants and the poor workers in the fields live as well or as badly as their animals. This accursed system of Permanent

Settlement has kept the villages and the rural population of Bengal in a state of chaos and misery. It stands self-condemned, and a change from this system to a better one is the only way in which we can hope to bring any betterment to the province. The whole criticism has been that the Commission has erred in this manner and the Government has erred in the other and the senior Civil Servant consulted has found things to be illusory and so on. What other alternative do the critics of the report suggest? We have decided in our minds that Permanent Settlement must go. I hope the Government will not now at this late hour show cold feet on this important problem. I would have welcomed any alternative suggestion. We are not out to expropriate; we are not out to rob people of what is theirs. If there is any other alternative of achieving our object I am personally prepared to consider it with an open mind. For the last half a century and more, Indian thinkers have given their best attention to the matter and have come to the conclusion that there is no other alternative but to end it.

Sir, the question has been asked: what sort of a picture will Bengal present after 60 years. That is a very long period. We may go into the 21st century. I am, however, not going to wait till then and I do not want to present any pictures. I am prepared, as I have said, to revolutionise the placidity of Bengal and for that if we have to suffer I assure you, Sir, our condition will not be any the worse off. May I, Sir, for the benefit of the House say that in one of the States in Central India there is a ruler with modern ideas. There they had a system of farming out villages and the farmers were veritable blood-suckers. Within one year the whole system was axed and every villager now has a holding of his own The new system is flourishing and the State makes a better income. I am not afraid of the financial danger involved. I expect that the balance out of the 15 crores paid by the peasant will come to the Government or in other words back to Bengal in some form or the other, so that the Government may be enabled to give it back in the shape of better roads, better education and better advantages to the people. The honourable member for Labour and Kisan interests made a very disturbing statement yesterday. I listened to his speech with pleasure, because this was the first occasion when he did not lose his temper while speaking. (Laughter.) He recommended that a Committee be appointed to advise the Government on the actual proposals to be placed before the House. No further experts are required. We have decided to get rid of this system and any further Committees, any further Commissions or any further delay will become unbearable. I may be told that all our energies and all our efforts at the present moment should be turned towards the defence of the country especially as war is coming nearer. I admit the cogency of the argument. But instead of facing the enemy with a half-fed population it will be better to give the poor villagers some hope to the effect that those who are governing

you have now reorientated the whole policy of the State and without injuring any section of the population in any manner whatsoever you, the peasants, that give us our food and other material comforts will now benefit from the new dispensation. Whether the whole of Bengal will be taken up at once or whether the Government will go about this unsettlement piece-meal is a matter for the Government in its Revenue Department and its experts. This is not the time to decide how the process will begin. What I want, Sir, is that the Government of to-day must declare in the name of the people of Bengal whom we represent here that the Permanent Settlemnt is gone. The sooner this decision is taken and announced the better.

Fragmentation of holdings and other technical points will be considered in their proper time. Mr. Speaker, we have the *raiyatwari* system working in the Punjab, in Bombay, in Madras: and other parts of India. It may be stated without any fear of contradiction that the peasant is slightly better off under that system than in those parts of India which have Permanent Settlement. That being the case, let us go ahead. I do not say that the peasant in Bengal will be suddenly transformed into a happy and joyous creature by the change, because I know, Sir, there are grievances of the agriculturist still to be redressed in the Punjab, in Bombay and in Madras. The *raiyatwari* system is not a perfect system. I do, however, feel that the peasants, small holders and workers under the *raiyatwari* system are better off than the peasants and workers under Permanent Settlement. I do not propose to take up any more time of the house, Sir, but I appeal to the Hon'ble Minister not to waste any more time. Follow the majority decision of the Commission. Make mistakes if you like. We shall rectify them later on. But for goodness' sake do not wait any longer. Decide now and show to the world, before the next elections come, that you have rendered a valuable and enduring service, healed the scars under which the province and its people have suffered for long and many decades and redeemed the promise you made to Bengal.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of personal explanation, Sir.

Mr. SPEAKER: I think you should have some sense of humour.

Mr. NIHARENDU DUTTA MAZUMDAR: While appreciating humour, the serious point referred to must not be overlooked. I made a suggestion that a representative committee of all the parties should immediately set to work with a view to formulate definite proposals to place before the House, because the Government have avoided formulating any proposals at all. My suggestion is not meant to be used by Government for their delaying tactics——

Mr. SPEAKER: Order, order. Mr. Bose.

Mr. SARAT CHANDRA BOSE: Sir, I agree with the honourable member who spoke last that the discussion which commenced yesterday and is continuing to-day is really superfluous. The people of Bengal spoke out their minds in no uncertain terms more than four years ago. And yet we find to-day after the lapse of nearly four years and a half Government initiating a discussion on a subject on which the people have already spoken and initiating it without giving the faintest indication of the Government's own mind.

Sir, the major parties entered this Legislature in April, 1937, with a definite agrarian programme, one item of which was the abolition of the zemindari system and acquisition of the interests of all rent-receivers. And though among the major parties was the Coalition Party in front of me, yet we find the Government appointing a Commission in order to get recommendations from them as to whether the zemindari system is to be abolished or not. Sir, the irony of the situation is this that our land revenue and our land tenure systems have to be explained to us by a Canadian authority! I should have thought that the time had long past and gone when it was necessary for our Ranjit Singhji to achieve his fame through British wickets, when it was necessary for our religion to be explained to us by a Besant or a Woodroffe.

Now, Sir, what is the position of the Government to-day? The Hon'ble the Revenue Minister read to us from a manuscript, and the time he occupied in reading it was nearly one hour, without any indication at all of the opinions, if any, formed by the Government. Without meaning disrespect to him, may I say that the analysis he presented to this House could have been as effectively and as efficiently done by a Head Master of some school? Sir, we still find that the vacuum which existed in the upper storeys of some of the members of the Treasury Benches still exists. Three hundred and forty-eight printed pages of one report and 100 printed pages of another have not filled any portion of that vacuum!

Now, Sir, the Government on the 5th of November, 1938, appointed this Commission. We on this side of the House did not co-operate with that Commission and I am glad that we came to that decision because we thought we ought not to co-operate with a Commission on a subject on which the mind of the people had already been made up. Sir, that Commission presented its report on the 21st of March, 1940. A Special Officer was appointed to examine the recommendations of that Commission. That Special Officer presented his report on the 27th of July, 1940. And for a year the Government sat quiet and only initiated the discussion on this subject on the 28th of July, 1941.

Sir, I have already said that the major parties in the Legislature entered the Legislature with a definite agrarian programme, and I

shall add, Sir, that the Government which represented a combination of more than one party and had an absolute majority, ought to have started, not by appointing a Commission but by giving effect to the programme on which the people of the province had set their seal. Possibly, Sir, this action or inaction on the part of the Government was due to the fact that the Treasury Benches were, and still are, a motley crew of each possible shape, of each possible hue or, if I may borrow the expression of a great philosopher statesman of England, something of the nature of "a tesselated pavement without cement,—here a bit of black stone, there a bit of white,—patriots and courtiers, King's friends and Republicans".

I shall now, Sir, remind the House of the agrarian programme with which we came to this House. That was published as far back as the 12th of April, 1936, in the form of a resolution passed by the Lucknow Congress, and that resolution was in these terms:

"The Congress is of opinion that the most important and urgent problem of the country is the appalling poverty, unemployment and indebtedness of the peasantry, fundamentally due to antiquated and repressive land tenure and land revenue systems and intensified in recent years by the great slump in prices of agricultural produce. The final solution of this problem inevitably involves the removal of British Imperialistic exploitation, a thorough change of the land tenure and land revenue systems and a recognition by the State of its duty to provide work for the rural unemployed masses." Sir, that programme was repeated on the 22nd August, 1936, in the Congress election manifesto, and in these terms:

"The last five years of developing crises have, however, necessitated a further consideration of the problems of poverty and unemployment and other economic problems. With a view to this the Lucknow Congress laid particular stress on the fact that the most important and urgent problem of the country is the appalling poverty, unemployment and indebtedness of the peasantry, fundamentallly due to antiquated and repressive land tenure and land revenue systems. Pending the formulation of a fuller programme, the Congress reiterates its declaration made at Karachi that it stands for a thorough reform of the systems of land tenure and land revenue and rent and an equitable adjustment of the burden on agricultural land, giving immediate relief to the smaller peasantry by a substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payments of rent and revenue." Sir, we then come to the elections, and we find that the 50th session of the Congress held at Faizpur declared in unmistakable terms this agrarian programme in these words:

"The Congress is convinced that the final solution of the problem involves the removal of British Imperialistic exploitation and a radical

change in the antiquated and repressive land tenure and land revenue systems. It feels, however, that the deepening crises have made the burden on the peasantry an intolerable one, and immediate relief is urgently called for."

Sir, we on this side of the House for the purpose of giving effect to that programme tabled a resolution in this House as far back as August, 1937. That resolution was in these terms:

"This Assembly is of opinion that a Committee consisting of nine members of this House be formed with power to co-opt experts on the Committee to formulate a scheme and to suggest legislative measures required to give effect to the following and to report to the House:—

(*a*) to take immediate steps to acquire all landed interests in the agricultural lands of the province above those of the cultivating tenants including private fishery rights above those of *bonâ fide* fishermen;

(*b*) to set apart out of the net additional revenue therefrom, an adequate amount for free primary education so that each village may have the benefit of a primary school and another adequate amount for dispensaries for men and cattle, so that each union may have one such dispensary;

(*c*) to capitalise the balance by a loan on Government Promissory Notes at an interest of three and a half per cent. per annum payable in 99 years; and

(*d*) to disburse the loan so raised for—

(*i*) payment of fair compensation for the interests acquired on the basis of loss of net incomes derived therefrom;

(*ii*) advance of fifty crores of rupees to agriculturists towards the liquidation of agricultural debts as loan repayable in 20 years at a rate of interest not exceeding 5 per cent. per annum;

(*iii*) establishment of agricultural banks in all unions to advance loans to the agriculturists at a small interest against hypothecation of crops or mortgage of lands, as the case may be;

(*iv*) resuscitation of the dead and dying rivers and channels and opening out of new channels, where necessary;

(*v*) provision for marketing facilities for jute and other agricultural products;

(*vi*) grant of subsidies to *bonâ fide* agriculturists for developing the undeveloped lands of the province;

(*vii*) provision for agricultural education and research;

(*viii*) establishment of industrial banks for the purpose of advancing small loans to trained young men and to agriculturists to whom owing to smallness of holdings, agriculture is not a dependable means of livelihood, for starting small industries;

(*ix*) supplementing the existing grants from Government and local bodies for—

(*a*) erection of school buildings in the villages;

(*b*) erection of dispensary buildings in the unions;

(*c*) construction of tanks and wells in rural areas;

(*d*) provision of pasture and fodder-producing lands in the villages; and

(*e*) improvement of the breed of cattle; and lastly

(*x*) establishment of a famine and unemployment relief fund.

Sir, a full constructive programme was placed before this House in that resolution, and I still remember the reception it had from members sitting on the Treasury Benches. Sir, I am disclosing no secret if I say that the calculation that my friends on the Congress Benches and I made for the purpose of finding out the amount necessary for the acquisition of all such interests as I have mentioned came to the neighbourhood of Rs. 114 crores. The estimate made by the so-called immature politicians, whom the Treasury Benches often described, and have often described during the last four years as "irresponsible politicians", is an estimate which comes very near the estimate which the experts, or the so-called experts, on the Land Revenue Commission arrived at after months and months of labour. Sir, I will not go into the other figures which we had arrived at for the different objects mentioned in our resolution, because the time at my disposal is extremely limited. I shall conclude this part of my observation by reminding the House of the resolution that was passed by the Bengal Provincial Conference at Jalpaiguri on the 5th of February, 1939, over which I had the honour to preside. The resolution was in these terms:—

"In order to relieve the peasants and remove their grievances this Conference also urges the abolition of the Permanent Settlement and all zemindary systems in the province on paying reasonable compensation to the parties concerned."

Sir, in spite of all these, in spite of the mandate that members of the Government Party had from their respective electorates, in spite of the mandate that the Krishak Proja Party had from its own electorate, in spite of the mandate that the Government knew that the Congress Party had from its own electorate, in spite of the fact that on this

question there was singular unanimity, the Government remained inactive and inert. And, Sir, I add on the basis of facts which I find in the report of the Land Revenue Commission, that the Government actually moved in the opposite direction flouting the mandate which its own constituent members had received.

Sir, I was amazed when I read page 229 of this report of the Land Revenue Commission. I was amazed to find that though the Hon'ble the Revenue Minister had not committed himself or the Government to any opinion, definite or otherwise, the Finance Department of his own Government submitted a note to the Land Revenue Commission in the following terms:—

"(1) The Permanent Settlement and the consequences flowing from it are now the framework of the general economic life of the country and in the considered opinion of the Government"—mark the words, not in the considered opinion of the Finance Department of Government, but in the considered opinion of the Government—"no tampering with that framework could in the long run produce financial gain to the State.

"(2) The department holds the view that the abolition of the Permanent Settlement would throw the social system out of gear and may not be conducive to the financial welfare of the province.

"(3) The abolition of the Permanent Settlement would be a financial speculation which would probably result in little gain."

Sir, I have noticed in the pages of this report that the Landholders' Associations were unanimously against the abolition of the zemindari system. I do not complain, because Associations consisting of landholders would naturally be the defenders of the rights and privileges of the landholders. But what amazed me was this that the Moslem Federation of Dacca of which our friend the Government Whip, Mr. Khwaja Shahabuddin, is the life and soul, also declared its opinion against the abolition of the zemindari system on the ground that it would involve a revolution in the social and economic life of the people. (Cries of "shame, "shame" from the Opposition Benches.) Sir, the attitude of the Landholders' Association of Bengal is understandable. But what about the attitude of the Moslem Federation of Dacca, of which the Hon'ble Minister the Nawab Bahadur of Dacca is a prominent member, and as far as I am aware Khawaja Sir Nazimuddin is also a prominent member, and as I have said, Mr. Khwaja Shahabuddin is the life and soul?

Now, Sir, I shall come to the main recommendations of the Commission. As the time at my disposal is extremely limited, I shall not deal with the comparatively minor and ancillary recommendations of the Commission. I shall confine myself to the main recommendations of the Commission. As regards the main recommendation, namely, the

acquisition of the interests of all classes of rent-receivers, we on the Congress Benches are in entire agreement with that recommendation. As regards the recommendation regarding compensation, I have heard speeches in the House to the effect that no compensation ought to be paid. I am afraid members who stated that forgot for the moment the provisions of the Government of India Act which make the payment of compensation obligatory. (Mr. MAQBUL HOSAIN: It is a British rule.) It is true it is a British rule whether we want it or not, and speaking for myself and my friends we definitely do not want it; but the rule is there. Section 299 of the Government of India Act states quite clearly that "Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land or any commercial or industrial undertaking,"—I agree with the honourable member who interjected that it is a British rule made for British purposes,—"or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, it is to be determined."

Now, Sir, that question of compensation leads me to a consideration of the rate at which such compensation ought to be paid. As regards that, this report at page 174 states that the rate of compensation which receives more support than any other is 10 times the net profit of the proprietors and the tenure-holders. Sir, I am not disclosing any secret if I state to this House that the calculation which we of the Congress Party made in arriving at the estimate of 114 crores as the total compensation payable was at the rate of 10 times the net profit. But I would confess that it is easy to be dogmatic on this question. At the same time I would say it would be wiser not to be dogmatic; and therefore on behalf of the party which I have the honour to represent in this House I state in very clear and definite terms that in our opinion the compensation should as a general rule be at the rate of 10 times the net profit but should not in any event exceed 15 times, the lower the better.

Now, Sir, I shall come to another main recommendation of the Commission and that is regarding the payment of the compensation. Here, again, I am not at one with those who suggested piecemeal acquisition or—to use the words of Mr. Gurner—acquisition "in two waves". As regards the payment of compensation, it is the opinion of my party that compensation should be paid in bonds redeemable after 99 years.

Sir, I now come to a question to which I would like to devote a little time and that is the future relation of the State to the actual tillers of the soil. The Commission have recommended that the position is to be of tenants holding directly under the Government.

Sir, I shall frankly confess I do not feel happy over that position. I feel apprehensive that the rule of King Log may be replaced by the rule of King Stork and I say so on the basis of figures which I found in both the reports.

Coming to the first report, at page 231 of the same, I find that the then Member of the Board of Revenue, Bengal, was of opinion on the basis of the facts and figures that he supplied that had there been no Permanent Settlement, *raiyats* would have been paying a higher average of rent. The figures furnished by Mr. C. W. Gurner are more eloquent still and justify that apprehension to an even greater degree. From the figures we find at page 100 of Mr. Gurner's report, it appears that current demand in respect of estates held directly by Government increased from 1920-21 to 1938-39, *i.e.*, during a period of 19 years by 68 per cent. I could have gone into further facts and figures, but I think, Sir, that the figures and statements I have already quoted are sufficient to justify the apprehension in my mind.

What then is the remedy? Sir, the remedy which I shall suggest to the House availing myself of the opportunity of this discussion is this that the State which proclaims and gives effect to its policy of abolition of private ownership of the land should give the land to those who work on it for their free use. Some friends of mine on either side of the House may feel startled at that remark of mine. But may I assure them that there is nothing to be startled at? It was certainly an experiment in the year 1917—an experiment undertaken by one of the greatest States in Europe so far as territory is concerned, but it is no longer an experiment to-day. I may remind the House that the "Decree on the Land" which was passed by the Congress of Soviets on the 8th November, 1917, *i.e.*, literally the day after the victory of the armed rising organised by the bolshevists proclaimed the abolition of right of private ownership of land which passed into the hands of the State and the State gave it to those who worked on it for their free use.. Article VI of their present Constitution which is popularly known as the Stalin Constitution runs as follows:

"Land, mineral deposit, waters, forests, mills, factories, mines, railways, water and air transports, banks, means of communication, large State organised industrial enterprises such as State farms, machinery and tractor stations and the like as well as municipal enterprises and the principal dwelling houses, properties in the cities and industrial localities are State property, *i.e.*, the property of the whole people."

And how is it that this experiment has proved successful? And there is no denying that it has proved successful. It proved successful because Soviet Russia abandoned the capitalist path and adopted the socialist path—the path which consists of implantation of collective

farms and State farms in agricultural economy—a path which led to the union of petty peasant farms into large scale collective farms equipped with technique and science and to the ousting of capitalist elements out of agriculture. Soviet Russia chose the second path popularly known as the socialist path, and what are the results?

These figures, Sir, I have taken from a book entitled "The Soviet comes of age" which I would ask members of the Treasury Benches to read and digest if they can. The figures are as follows regarding the proportion of various categories of agricultural economy in the total acreage under crop. In 1928 State farms formed 1·5 per cent.; in 1937 they formed 9 per cent. In 1928 collective farms were only 1·2 per cent.; in 1937, *i.e.*, when the Soviet came of age they were 89·4 per cent. Individual peasant farms in 1928 formed 97·3 per cent.; they dropped to 0·8 per cent. in 1937. Small holdings of workers and employees for their own personal needs were nil in 1928; they are 0·8 per cent. to-day.

That leads me to the consideration of other interconnected problems—the problem of finance and money, the problem of industries and other problems too numerous to enumerate in the course of this speech. I ought to state that, in relation to finance and money the ownership, as I have already said, may be one of two kinds—of the State or of co-operative and collective farms. The revenues of all State-owned properties accrue to the national exchequer and provide the main source of its income. The revenue of the co-operative and collective undertakings, on the other hand, belong solely and wholly to the latter after payment of the statutory taxes of the State exchequer and their taxation is in the form of income-tax. Of the four sources of national revenue in Soviet Russia the first is by far the greatest, as the whole revenue of the State-owned properties of the country goes to the national exchequer where it constitutes the actual basis of the fiscal system, whereas the other three sources of revenue merely serve to supplement the national income to a limited extent. The other three sources of income are revenue derived from the co-operative and collective undertakings, revenue derived from private ownership which is limited to individual peasants and handicraftsmen and must be based entirely on personal labour and the last source of revenue is direct taxation which is levied on the private earnings of citizens which are subject to income-tax on their salaries or wages from State-owned undertakings or co-operative as well as on their share of profits as members of the latter. The revenue derived has proved to be sufficiently large for a big tract of country forming one-sixth of this inhabited world of ours. I would, therefore, ask the Government even at this late stage to embark on something which cannot be called a mere experiment to-day, to embark on something which has proved to be a

success and success to an extent that could not have been imagined in 1917. What became a reality in 1931 was more than a reality in 1938 when the Soviet came of age. The reality is this that since 1931 there has been absolutely no unemployment. Sir, I am not taking as my authorities the Soviet writers on the subject but one whose name is a great name in British Economics, the name of Sydney Webb. There has been absolutely no unemployment in Soviet Russia in 1931. If that is so, Sir, I would suggest in the course of this discussion that instead of the recommendation of the Commission regarding the position of the State *vis-à-vis* the peasants, the experiment which has been conducted with so much success in Soviet Russia ought to be the basis on which we in Bengal should move. What is really wanted, to sum up in a few words, is planned economy in this province, planned economy of the kind indicated in the resolution of which we gave notice in August, 1937, planned economy which will comprise not only agriculture and agriculturists but also industries, finance and currency, internal and foreign trade, inland waterways, communications, exploration and survey of the province, labour, position of women, housing construction, public health services, social insurance, public education, sports and athletics, literature, music and art. That was as I just now said what was envisaged in the resolution of which we gave notice in August, 1937.

Sir, we in this House have waited long enough. Let us start to-day. Let us not start with Committees and Commissions again. Let us not imitate the delaying and shelving tactics of the British brand or any similar brand, tactics too well known to need enumeration, tactics by the formation of Committees, Commissions, Royal Commissions and the rest of it. Let us start to-day with this big enterprise, this big planned economy in Bengal, so that it may not be said of us that four years and a half out of five we have wasted in this Legislature.

I know, Sir, that some members on the Treasury Benches will accuse me of having socialistic or communistic sympathies. If that is the accusation which is levelled against me, I shall at once plead guilty to the charge. "Communism," as Prof. Laski has said in his brochure, "has become in our day at once an ideal and a method. As an ideal it aims at a society in which classes have been abolished as the result of a common ownership of the means of production and distribution". Speaking for myself and the party I represent in this House, we shall cling to that ideal. It is an ideal which has an honourable tradition, a tradition older, wider, nobler far than the capitalistic tradition. This tradition, Sir, reaches back to the very beginnings of Eastern and Western political and religious thought. Take the Hindu Scriptures, take the Holy Koran, take Christ's Christianity as you have in the Gospels, not the Christianity which is

preached to-day, all of them are frankly communistic in their ideology. Take Western political thought which may be said to have commenced with the "Republic" of Plato. That also envisages a Communistic State. There is nothing to be apprehensive of in that ideal and as I have already said it is time, it is more than time, that we should try to realise that ideal in action in order that this province may live.

Sir, one more word and I shall conclude. As Prof. Laski has pointed out at another place in the same brochure, "communism has made its way by its idealism and not by its realism, by its spiritual promise and not by its materialistic prospect. It is a creed in which there is no doubt intellectual error, moral blindness, social perversity. Religions make their way despite these things. Mankind in history has been amazingly responsive to any creed which builds its temples upon spiritual heights." The answer to the new faith is not the persecution of those who worship in its sanctuary—an art and a method in which the Treasury Benches specialise—but the proof that those who do not share its convictions can scan an horizon not less splendid in the prospect it envisages nor less compelling in the allegiance it invokes". Sir, I ask the members of this House to scan their intellectual and spiritual horizon for a better and a nobler ideology and a more splendid prospect and if they discern it, let them cling to it with alacrity and enthusiasm. But if they fail to discern it, as I am sure they will fail, I ask them to hearken to the call for social justice, to the call for an equality greater than man has ever known before and lay the foundations here and now for the material and spiritual liberation of mankind in this part of the world.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir,——

Mr. ATUL CHANDRA KUMAR: On a point of order, Sir. The Hon'ble Minister cannot take advantage of rule 41.

Mr. SPEAKER: I have never said that it is rule 41. The debate has not concluded. Surely the House expects a reply from Government, if it so wishes.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not want to take up the time of the House by the various issues raised by members belonging to various groups in this House. It is not the Government's intention to reply to the points raised by them. But after listening to the magnificent and eloquent speech by the Leader of the Opposition I think it is incumbent on me to reply to some of the allegations made by him against Government. He has charged Government with inactivity and he has quoted the Lucknow resolution of the

Congress, the resolution adopted by the Provincial Conference at Jalpaiguri under his presidency and he has referred to the resolution tabled by his party in this House.

Sir, I will just ask him to reply to my question whether any other Government in India except the much-maligned Government of Bengal has attempted up till now to bring about the change in the land tenure system of the province. The Congress was in power in several provinces——

Mr. SARAT CHANDRA BOSE: As the Hon'ble Minister has put a direct question to me, may I have a right of reply?

Mr. SPEAKER: But you have already said that this Government has done nothing.

Mr. SARAT CHANDRA BOSE: Then he has asked me to reply to his question when I have got no right of reply!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Congress was in power in several provinces, and what steps did the Congress Ministries take to bring about a change in the land tenure system? It was only this Government that had the courage and fairness to appoint a Commission of Enquiry to go into the whole question. Now, my friend, Mr. Sarat Chandra Bose, has said that there was no necessity for appointing a Commission, and that the object of the Government in appointing the Commission was to shelve the question. Sir, I do join issue with him. My honourable friend has said that the Government party and his party, the two major parties, in the House, had clear mandates from their electorates on some of the issues. But assuming that they had, still it was necessary for Government, responsible as they are, to find out the ways and means. Sir, my honourable friend talked of the abolition of British Imperialism. Now, let us assume that he and his party were committed to the abolition of British Imperialism. Certainly not by donning khaddar cap and dress in the afternoon and appearing before the Hon'ble Judges of the High Court who are agents of British Imperialism in the morning, he will do away with British Imperialism. That is not the method by which British Imperialism can be driven out. The ways and means will have to be found out. Now, Government with the best of intentions wanted to do away with the present land tenure system and the existing land laws of the country. Still they required advice on the details and for that purpose they had to appoint the Commission. The Commission submitted its report after a deliberation of over a year. Naturally, Government had to get the proposals

made by the Commission examined from the administrative and financial points of view. The Finance Department submitted a memorandum before the Commission. The observations made by the Finance Department were the observations of an expert department. It did not express opinion on the political issues involved. It was concerned merely with the financial aspect of the problem. I think the Finance Department would not have discharged its responsibility as Finance Department if it did not point out the financial implications of the recommendations.

My friend, Mr. Bose, talked of Socialism and Communism and said that he would like to cling to that idea. Who would not? We have the ideal of Bhaisnavism before us. It is not for the first time that we have heard of Socialism and Communism, but certainly earning a big income in the High Court is neither Socialism nor Communism. They do not go together. (At this stage several members of the Congress Group rose in their seats and there was a combined voice of protest against the Hon'ble Minister's statement.)

Mr. SANTOSH KUMAR BASU: I rise on a point of order, Sir; would you not give me a hearing?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am in possession of the House and I will not yield to anybody when I am making my reply.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, will you not allow me to rise on a point of order? May I know, Sir, if the Revenue Minister would be allowed to indulge in personalities in this indecent style for maintaining his position in the Cabinet?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I strongly protest against the insinuation made by the last speaker.

Mr. SANTOSH KUMAR BASU: Your bread may be at stake, but you should at least learn to behave in a proper manner.

Mr. SPEAKER: Mr. Basu, you are going out of your way. It is very desirable that personalities should be avoided in our discussion here. As a lawyer of eminence you can understand, Mr. Basu, that no point of order can properly be raised when both sides are making personal attacks.

Mr. SANTOSH KUMAR BASU: But, Sir, my point of order is this: having had no justification under the rules to reply to this debate but having been allowed as a matter of mere concession by the Speaker to reply to this debate in a decent manner, will the Hon'ble

Minister be allowed to indulge in personalities for the purpose, as I have said before, of maintaining his position in the Cabinet in the best way that he thinks proper?

Mr. SPEAKER: Mr. Basu, I think you will agree with me that our debate should be so conducted as not to allow any personal reflection or fling being made from one side to the other, and it would have been much better if the Hon'ble Minister had not made a statement like that. So far as I could follow him, he did not complete his sentence when there was a storm of protest from the Congress Benches. I do not know what he meant to say, although, I admit, he was driving at the point against which there is this protest from the Opposition. In view of that fact, Mr. Basu, no occasion had yet then arisen for me to intervene in the midst of the Hon'ble Minister's speech. However, I would again ask the Hon'ble Minister not to bring in personalities in his speech.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am grateful to you for your advice and I will try to follow it. But at the same time, Sir, I would request you to see that the other side of the House also follows it.

Mr. SANTOSH KUMAR BASU: But he must withdraw the statement that he has made.

Mr. SPEAKER: I am sorry, whenever members on the Government side rise to speak, there is so much interruption from the Opposition that it is impossible to follow the debate.

Mr. SANTOSH KUMAR BASU: Not until he became indecent in his remarks that the Opposition intervened.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There were constant flings at the members of the Treasury Benches, but there was not a single instance of the Opposition being similarly treated by the Government supporters.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, what is the reply about?

Mr. SPEAKER: It is open to me to ask any member to speak.

Mr. NIHARENDU DATTA MAZUMDAR: Sir, I rise on a point of order. I have nothing to do with khaddar, but respectfully beg to bring to your notice one matter which, I believe, you have yourself

heard. The Hon'ble Minister has been allowed to call the Hon'ble Judges of the High Court "agents of British Imperialism" and he has also been allowed in the course of his reply to make certain references to the khaddar cap and the mode of dress of a particular person. I beg to ask you, Sir, is it permissible in this House to make any personal reference and remarks of this nature?

Mr. SPEAKER: I did not hear any personal references being made.

Mr. FAZLUR RAHMAN: May I rise on a point of order, Sir?

Mr. SARAT CHANDRA BOSE: May I know, Sir, how is the dress of a man relevant to this debate?

Mr. SPEAKER: As a matter of fact, Mr. Bose, at the moment when the Hon'ble Minister was speaking and was going to say something to that effect, there was so much noise that his voice was drowned.

Mr. SARAT CHANDRA BOSE: May I ask the Hon'ble Minister to repeat to the House one sentence or one word in my speech which was unparliamentary, indecent or abusive?

Mr. SPEAKER: I hope, Sir Bijoy, you will try to continue the debate in a parliamentary manner.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The point is this, Sir. Is it the privilege of one side of the House to abuse and is it the duty of the other side to submit to such abuse? I think I was not unparliamentary anywhere in the course of my speech, and whatever I said was nothing but a statement of facts. (Loud noise from the Opposition as well as the Coalition Benches)——

Mr. SARAT CHANDRA BOSE: I know, Sir, that people who were never able to earn more than Rs. 50 at the Bar would be naturally jealous of other people's income.

Mr. SPEAKER: I am sorry, Mr. Bose, you are also grossly guilty of the conduct of which you are complaining.

Mr. SARAT CHANDRA BOSE: I am sorry, Mr. Speaker; when the Speaker fails to give protection to a member of this House, he has got to speak out his mind. May I know if my dress has anything to do with the subject-matter under discussion, and whether there was a single unparliamentary word used by me in my speech?

Mr. FAZLUR RAHMAN: Sir, I rose on a point of order. Honourable members of the House have no right to disturb me when I rise on a point of order. My point of order is this. If a member speaks about communism and socialism and if another member says "when you have such a big private income, it does not lie in your mouth to speak on communism or socialism because you yourself are making a vast income; it is not proper for you to advocate the cause of communism or socialism when you yourself are not contributing to that ideal", can any member disturb that honourable member when he says that? That is my point of order, Sir.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I just mention why I made that remark? The honourable member observed that the members of the Treasury Benches would charge him with communism or socialism and he gave a long dissertation on those subjects and that is why I attempted to point out the inconsistency between Mr. Bose's principle and practice.

Mr. SURENDRA NATH BISWAS: On a point of order, Sir——

Mr. SPEAKER: Order, order. There is no point of order. It has been closed.

Mr. SURENDRA NATH BISWAS: This is on a different point, Sir.

Mr. SPEAKER: No.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, we stand on our rights to raise a point of order.

Mr. SPEAKER: Order, order. It is my decision that there will be no further point of order at this stage. Every point of order has been raised and disposed of and if there is any further point of order it will be after the debate has continued and no previous point can be the basis of a point of order as a matter of history.

Mr. SURENDRA NATH BISWAS: Sir, I shall not rise on a previous point of order but on a new point of order.

Mr. SPEAKER: Order, please. As a matter of fact, once you allow history to be brought as a point of order, there will be no termination of it and all points of order that were raised by successive persons have been disposed of.

Mr. SURENDRA NATH BISWAS: It is my privilege to raise a point of order, Sir.

Mr. SPEAKER: No, you cannot raise a point of order minute after minute.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, you have not given your ruling on the point of order which you allowed me to raise.

Mr. SPEAKER: What is the point of order?

Mr. NIHARENDU DUTTA MAZUMDAR: After the point of order a whole round of debate has come about. My point of order is this. Do you, Sir, on the floor of the House allow members to make personal references of the type as the Hon'ble Revenue Minister indulged in?

Mr. SPEAKER: I am not prepared to answer a hypothetical question. That point of order was raised by Mr. Basu and I immediately gave my decision that it should be avoided.

Mr. SANTOSH KUMAR BASU: Sir, will you allow the expression to remain on the minute book that High Court Judges are agents of British Imperialism?

Mr. SPEAKER: I do not think this is unparliamentary and I cannot expunge it.

Mr. SANTOSH KUMAR BASU: This is prohibited. Under the Government of India Act one cannot make such reference to High Court Judges.

Mr. SPEAKER: What exactly did he say?

Mr. SANTOSH KUMAR BASU: He said "High Court Judges are agents of British Imperialism".

Mr. SPEAKER: I will look into the matter. I did not catch it myself.

Mr. SURENDRA NATH BISWAS: Sir, will you allow me to raise my point of order?

Mr. SPEAKER: No, no.

Mr. SYED HASAN ALI CHOWDHURY: Sir, you just now said that you did not hear——

(At this stage there were interruptions from all sides of the House.)

Mr. SPEAKER: Order, order. The House stands adjourned till 4-45 p.m. to-morrow.

Adjournment.

Accordingly the House was adjourned at 8-35 p.m. till 4-45 p.m. on Wednesday, the 30th July, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 30th July, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur), in the Chair, 7 Hon'ble Ministers and 184 members.

STARRED QUESTIONS

(to which oral answers were given)

Grant of agricultural loan to Rangpur district.

*15. **Khan Bahadur SHAH ABDUR RAUF:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the total amount of agricultural loans given to the district of Rangpur during the current year up to the month of June;

(*ii*) the amount given to each subdivision; and

(*iii*) what is the maximum amount of loan given to a single individual, and what is the minimum?

(*b*) Is it a fact that no loan is given to a man paying union rate of Re.1-8 or upwards annually?

(*c*) If so, what is the cause?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) how many persons applied for agricultural loans in the Sadar subdivision of Rangpur; and

(*ii*) how many of them have been given such loans?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*)(*i*) Rs. 5,00,000.

			Rs.
(*ii*) Sadar subdivision	...	...	1,00,000
Gaibandha subdivision	...	...	1,75,000
Kurigram subdivision	...	...	98,000
Nilphamari subdivision	...	...	1,05,000

(*iii*) **Maximum Rs.10 and minimum Rs.2.**

(*b*) No.

(*c*) Does not arise.

(*d*) (*i*) 87,200.

(*ii*) 34,880.

Grant of agricultural loan and gratuitous relief in certain districts.

***16. Mr. TARAKNATH MUKERJEA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state separately what sums have been granted during the current financial year as—

(1) Agricultural loan, and

(2) Gratuitous relief,

in the districts of Burdwan, Hooghly, Birbhum, Bankura, Bakarganj and Noakhali?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Amounts granted up to the 17th July, 1941, are stated below:—

(1) Agricultural loan—				Rs.
Burdwan	...	...	...	4,22,000
Hooghly	...	...	...	1,20,000
Birbhum	...	...	...	5,50,000
Bankura	...	...	...	4,00,000
Bakarganj	..	...	...	19,05,000
Noakhali	...	...	...	8,15,000

Gratuitous relief—

Burdwan—Rs.44,735 (including Rs.6,235 granted from other sources).

Hooghly—Rs. 3,000.

Birbhum—Rs.2,20,000 (including Rs.20,000 granted from the Indian People's Famine Trust Fund).

Bankura—Rs.15,000.

Bakarganj—Rs.1,00,300.

Noakhali—Rs.50,000.

Mr. SURENDRA NATH BISWAS: With reference to answer (1), will the Hon'ble Minister be pleased to state whether the grant of Rs. 19,05,000 to Bakarganj as agricultural loan has covered the total demand of that district for such loan?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no such thing as total demand.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware of the demand which the District Magistrate of Bakarganj has made to Government for payment of agricultural loan, especially to the cyclone-affected people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At least Government are supposed to know what is the total amount asked for up to date by the Collector.

Mr. SPEAKER: His point is so far as the demand of the District Magistrate is concerned. Did the District Magistrate make any demand to Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. Government have sanctioned whatever amount the Collector wanted.

Mr. SURENDRA NATH BISWAS: With reference to the answer regarding gratuitous relief will the Hon'ble Minister be pleased to state whether the grant of only Rs. 1,00,300 to Bakarganj has met the demands of the cyclone-affected people of the district of Bakarganj?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not the final grant. Money is being distributed gradually though up till now it has been sufficient.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether those persons in the two cyclone-affected districts of Bakarganj and Noakhali, who do not own land, are given loans from Agricultural Loans Fund?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: These landless people are not granted loan from Agricultural Loans Fund, but if they are grouped with landed people they are given agricultural loan.

Srijut NARENDRA NATH DAS GUPTA: Sir, my question is this: There are people who do not possess land, but they are cyclone-affected and they have to erect their houses and to attend to other business. Are these people granted loan for their relief though they do not own lands?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I just explain the position? People who are agriculturists are given agricultural loans and landless people are generally grouped with people with

land. Those who are non-agriculturists are being granted loans under a separate head altogether. They are not granted loans under the Agricultural Loans Act.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the District Magistrate has demanded only 1 lakh of rupees for payment as gratuitous relief to the cyclone-affected people of Bakarganj?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, up till now.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government in granting money for gratuitous relief considered the *carte-blanche* order of the old Government of giving relief to the cyclone-affected people of this province in 1919?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, we do not go by precedent in these cases, because we have broken all precedents and we are creating our own precedent. No Government in old days granted a loan to the extent of Rs. 19 lakhs or gratuitous relief to that extent as the present Government have been doing. We go by our own precedent.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that in 1919 in the Madaripur subdivision alone Government granted about Rs. 8 lakhs as gratuitous relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It may be quite possible that we shall exceed that amount by the time we finish distribution.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether during the last three months from the date of the cyclone, Rs. 1 lakh has been quite sufficient to meet the demand of the poor and afflicted people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I can assure my friend that it has been quite sufficient. If it were not, Government would have certainly sanctioned more money.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether the southern part of the district of Tippera is affected by the cyclone or the whole of the district is affected?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how the Government is giving relief to those landless cyclone-affected persons who cannot be grouped with those who have got land?

Mr. SPEAKER: I do not think that is a supplementary question. First ask whether there is any category for these who are landless and cannot be grouped with those who have got land?

Mr. SASANKA SEKHAR SANYAL: He has replied.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I did reply to the simple question as to how did Government tackle the problem of their demand.

Mr. SASANKA SEKHAR SANYAL: What is the specification of the head under which loans are granted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We are giving them under a separate head altogether. Government have made special sanction for granting loans to those people.

Mr. ATUL CHANDRA SEN: Out of a grant of Rs. 1,00,300 allotted to Bakarganj, will the Hon'ble Minister be pleased to state how much has gone to Bhola?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what will be the amount that has been distributed up till now to these landless people for whom a separate category has been made by Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if he has asked the District Magistrate there to make a list of such landless people for whom there are difficulties in granting agricultural loan?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Collector himself approached Government and put forward the suggestion. It was not necessary for Government to ask him to prepare the list. Moreover, this is not the time when Government can ask the local officers to devote their time to preparation of lists and such other work.

Hardships of landless labourers of this Province.

*17. **Maulvi MUHAMMAD ISRAIL:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that jute restriction and unusual drought and rains have caused hardship and privation to the landless labourers of this Province in the absence of employment?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps are the Government proposing to take to ameliorate the condition of these people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Test relief works have been opened wherever possible. In places where test relief works have not been found possible the labourers are being provided with work in paddy-husking, clearing of gardens, etc. When the level of water in the country-side subsides, it will be possible to organise test works on a more systematic and satisfactory basis.

For the relief of distress, Government have sanctioned this year, up to 16th July, 1941, Rs.79,41,000 for agricultural loans, Rs.94,900 for land improvement loans, Rs.9,14,000 for test relief works, and Rs.6,80,800 for gratuitous relief.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that in giving relief in the shape of test relief works, Government sanctioned only Rs. 1-14 for one thousand cubic ft. of earth?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no uniform rate.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether this is a fact that in the district of Faridpur Government sanctioned only Rs. 1-14 for one thousand cubic ft. of earth?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, I speak subject to correction. I think it is Rs. 2-8.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the test relief works are worked under the Famine Code which provides only 10 pice to be paid to the labourer for the whole day's work?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We are taking good care to see that a worker earns nearly 3 annas a day and we are trying to adjust the rates according to the level of price of rice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state, if possible, how much has been spent so far?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state the number of places where relief works have been started?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: 84 centres have been opened.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Introduction of Non-Agricultural Tenancy Bill in the July-September Session, 1941.

12. Babu KSHETRA NATH SINGHA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state when the term of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940 (Bengal Act IX of 1940), will expire?

(*b*) Do the Government contemplate the introduction of a similar Bill in the July session, 1941, of the Assembly?

(*c*) Is the Hon'ble Minister aware that there is a demand in the country for such a legislation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) On the 29th May, 1942.

(*b*) A Bill is in preparation. It will be introduced in the current session of the Assembly.

(*c*) Yes, there is a demand from people interested in non-agricultural holdings as tenants.

Introduction of the Non-Agricultural Tenancy Bill in the Monsoon Session, 1941.

13. Maulvi MOHAMMAD ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government contemplate the introduction of the Non-Agricultural Tenancy Bill at the July session, 1941, of the Assembly?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Is the Hon'ble Minister aware that there is a country-wide demand for the passage of such a Bill as early as possible?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Does not arise.

(*c*) There is a feeling in favour of such a legislation amongst those who are interested in non-agricultural holdings as tenants.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether Government intend to get this Bill passed during this session?

Mr. SPEAKER: Please frame your question properly. You cannot ask Government whether they intend to refer the Bill to a Select Committee or to get it passed.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the Government intend to circulate the Bill for eliciting public opinion thereon or whether they intend to pass the Bill during this session?

Mr. SPEAKER: You cannot ask whether Government intend to get the Bill passed during this session. Ask generally what they propose to do.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the Government will consider the desirability of passing this Bill?

Mr. SPEAKER: Order, order. I am afraid you are getting hopeless. If I may put the question for Mr. Ghose, what he wants to know is: what steps do Government propose to take in regard to the various stages of this Bill?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At present the Government's intention is to introduce the Bill and move for circulation.

Posts of accountant and clerks in Medical College Hospitals office.

14. Khan Sahib HAMIDUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that some permanent clerical posts including the post of accountant in the Medical College Hospitals office are likely to fall vacant?

(*b*) If so, will the Hon'ble Minister be pleased to state whether they will be filled up according to the communal ratio?

(*c*) Is the Hon'ble Minister aware that there is no Muslim in the senior grade in the office?

(*d*) If so, do the Government contemplate the desirability of appointing a Muslim as accountant?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) No.

(*b*) Vacancies, as they occur in future, will be filled up according to the Communal Ratio Rules.

(*c*) Yes.

(*d*) Does not arise.

Construction or repair of primary school premises.

15. Khan Sahib HAMIDUDDIN AHMED: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that a circular has been issued by the Education Department to the effect that no money out of the district school fund is to be spent for construction or repair of primary school premises?

(*b*) Will the Hon'ble Minister be pleased to state the number of primary schools having houses of their own which were constructed by the—

(*i*) District Board, and

(*ii*) public subscription,

after the Free Primary Education has been introduced in the district of Mymensingh?

(*c*) Will the Hon'ble Minister be pleased to state what arrangement the Government contemplate taking—

(*i*) for repair of the school houses already in existence; and

(*ii*) for the construction of houses for those schools where no house can be had by public contribution?

(*d*) If it is a fact that owing to the said circular the School Board are not in a position either to maintain the school houses already in existence or to construct new school houses?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he proposes to take with regard to the circular?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) (*i*) None; it is presumed that District School Board is meant.

(*ii*) 1,991.

(*c*) to (*e*) The funds provided by the levy of education cess are insufficient and have to be supplemented by large donations from Government. It was therefore hoped that the local people would accept the burden of building expenses of schools. There have been numerous objections and I am considering the whole position.

GOVERNMENT BILLS.

The Bengal Raw Jute Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to introduce the Bengal Raw Jute Taxation Bill, 1941.

The recommendation of His Excellency the Governor has been obtained.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Raw Jute Taxation Bill be referred to a Select Committee consisting of the following members:—

(1) Maulvi Muhammad Israil,

(2) Khan Bahadur Maulvi Hashem Ali, Khan,

(3) Yusuf Mirza,

(4) Mr. M. A. H. Ispahani,

(5) Khan Bahadur A. M. L. Rahman,

(6) Mr. Abul Hosain Ahmed,

(7) Mr. Jagat Chandra Mondal,

(8) Mr. I. G. Kennedy,

(9) Mr. J. R. Walker.

With your permission, Sir, I shall substitute the following four names for those given in the list:—

(10) Mr. Mafizuddin Ahmed,

(11) Mr. Debi Prosad Khaitan,

(12) Mr. Shahedali,

(13) Mr. Abdul Karim, and

(14) the mover,

with instructions to submit their report by August 8th, 1941, the number of members forming the quorum being five.

Mr. SPEAKER: It would, I think, be better if you ask for a later date instead of an earlier date. I do not think you will be able to finish the work by that date; to-day is the 30th, and members must be given sufficient time to meet and do the work.

The Hon'ble Mr. H. S. SUHRAWARDY: We shall be a first class business committee and we can get through the work without difficulty.

Mr. SPEAKER: I do not think the House will have any objection to that.

The Hon'ble Mr. H. S. SUHRAWARDY: The necessity for imposition of this very small tax on jute needs little justification. After grave and mature consideration, Government have embarked on a policy of compulsory regulation of sowings so as to co-ordinate the supply with the demand. This policy has been endorsed by the legislature and has already borne fruit. Last year, the production was so considerable that if we had not started to measure lands with a view to restrict cultivation and subsequently to issue licences over the restricted area, last year's crop itself would have sold for a song. As it was, the cultivators received some return for their crop and the trade purchased a portion of the crop on the distinct understanding that restriction would be effected in the sowings of 1941-42 and that that policy would be continued hereafter from year to year. This year, the Government has implemented its assurance fully and the acreage sown is less than one-third of last year's acreage. Many attempts are being made to derive varying conclusions from the published figures. I deprecate any attempt to juggle with figures. The fact remains that the sowings this year are less than one-third of the previous year's sowings by plot to plot survey and measurement.

The success of the policy of restriction has exceeded all anticipations —thanks to the co-operation that we received from the growers and their representatives. I remember many were the forebodings voiced by those interests who were, always anxious to belittle the achievements of this Government, or who wish to keep the jute market depressed, and to see jute cheaply sold. It was said that no Government had been able to achieve restriction, and that we would be sure to fail. By the aid of Almighty Providence, we have been able to achieve what was

considered to be impossible. I am happy to be able to quote no less a personage than the Right Hon'ble Mr. Arthur Greenwood, a member of the British War Cabinet, who in a speech as recently as the 24th of July commented what he called the "courageous action of the Government of Bengal in drastically regulating the production of jute, as an example of what can be done to prevent over-production of agricultural commodities that otherwise, either now or after the war, will inevitably lead to a collapse of prices and the untold miseries of vast numbers of agriculturists."

Our regulation policy in order to be a success has cost us much more than we anticipated. We could not have taken the risk of a failure. It had to be successful whatever the cost. I shall refer to this a little later. We have further been able to come to an agreement with the Government of Assam on this subject of regulation, and we shall have to advance to them a sum of four lakhs of rupees to enable them to make the necessary survey. We hope in a similar manner to arrive at an agreement with the Government of Bihar. There may be some financial liability on that score. It is clear that if we are not to abandon this policy of regulation and if we are to carry it out relentlessly, we must have funds to finance it. The ordinary resources of Government are not adequate and special taxation is necessary. When the Sales Tax was under discussion last session, there came from many sections of this House a pressing demand that Government should also tax jute to carry out measures for the effective improvement of the conditions of the jute growers. At that time I stated that this matter was under my consideration, that I was examining all aspects of this taxation measure, and that I would introduce it only when I was satisfied that the incidence of taxation would not fall upon the agriculturists in any appreciable measure, and that the measures for which this taxation was raised would benefit him much more than this small sacrifice which we were calling upon the entire industry to bear. I have now satisfied myself that those conditions prevail and I am therefore emboldened to place this taxation measure before the House for its acceptance.

This taxation measure, as I have set out in my Statement of Objects and Reasons, is calculated to yield about 50 lakhs a year. This year it is not likely to yield that amount, as many sales would have passed before this measure becomes law. I will, however, consider this measure on the basis of an average yield of 50 lakhs per year. It may not be known to honourable members that this year, in 1941-42, we are likely to spend Rs. 36½ lakhs for regulation purposes. It would take me beyond the purview of this Bill to state the details before this House. We budgeted for a liability of 24 lakhs for this purpose, but this has been found not to be sufficient. We believed that we would be in a position to dispense with the services of the staff for three months, but we find that we are unable to do so. We need them for tabulation and

for a further survey to assist us in arriving at a more equitable method of licensing, which will take into consideration the difficulties of the small agriculturists. 36½ lakhs of rupees is a very large slice from the ordinary revenues of the province, and the more we set apart for this purpose, the less are we able to carry out our ameliorative policy in respect of the other nation-building departments.

Although only relevant in this somewhat indirect manner, I would like to take this House into my confidence regarding certain further commitments which we have had to undertake over and above the budgeted liabilities. I am sorry that time does not permit me to put in a supplementary budget this session. It is for this reason that I want to apprise the House as early as possible regarding the major unbudgeted liabilities. Apart from the colossal deficit which I forecasted in this year's budget, a deficit which can hardly be met by the collection of the sales tax, which will only start from the 1st of October of this year and by the postponement of many of our schemes, which may await better times, we have had, as I said above, to undertake certain very urgent unbudgeted liabilities. There is one which I forecasted in my budget speech, namely, the payment of a dearness allowance or grain allowance to our low paid employees. Personally, I wish I could afford to pay them a little more than we have allotted, but even the sum that we have allotted has imposed on us a liability of more than 8 lakhs of rupees. The acute distress in many of the districts of Bengal, west, south, north and east, has led us to incur an expenditure which we could never have forecasted. Already, we have allotted 80 lakhs of rupees for agricultural loans, nearly a lakh of rupees for land improvement loans, 10 lakhs of rupees for test relief works and 7 lakhs for gratuitous relief. In many places, this is only the beginning of the distress, and we shall have to pay considerably more sums not only by way of agricultural loans but for test relief works and gratuitous relief, which are issued never to return. Over and above this, moneys have been allotted for assisting educational institutions which have been razed to the ground and for providing shelters for deserving middle-class families whose homes have been destroyed—at least five lakhs more. Government have embarked on relief work on an unprecedented scale, and the amount to be spent may reach sub-astral figures. Then as I have pointed out, there is the additional expenditure of Rs. 14,16,000 in connection with jute licensing and checking in 1941-42. The expenditure for the collection of the Sales Tax will cost 5 lakhs of rupees. Owing to a feeling of insecurity in the population and the necessity for increasing the efficiency of our police to prevent riots and disturbances, we have had to and shall have to incur further expenditure, perhaps in the region of 3 lakhs. A sum of Rs. 29,000 also accounts for the extra expenditure for removing certain grievances of security prisoners, and the survey work in connection with certain road fund projects accounts for a further sum of Rs. 33,000. The

riots in Dacca which have necessitated an increase in the police force there, account for a further sum of Rs. 50,000. There are certain smaller items which we can leave out of consideration for the time being. I have set these figures out before the Assembly, partly to inform the House that the budgetary position has deteriorated to some extent and taxation would be justified, which may add more money to the general revenues, and secondly, because I feel that in the matter of finance at least the House should be taken fully into the confidence of the Government and should be kept apprised of any supplementary expenditure that Government owing to the exigencies of administration may be forced to undertake. I am sure the House will under these circumstances assist me in my efforts to stabilize our finances and enhance our credit.

Let me now return to the specific measure before the House. I have on several occasions indicated that this Government considers it its duty to safeguard the interests of the jute growers and proposes to improve the conditions under which the growers of jute market their produce and to stabilise prices at reasonable levels. I hope that our policy will not stop at this point but that as we continue to progress, we shall gradually rid the industry of all its evils and shortcomings for the benefit of the industry as a whole, starting from the jute grower down to the manufacturer and exporter. I would like to draw the particular attention of the honourable members to the preamble of the Bill and to the Statement of Objects and Reasons, where it has been clearly indicated that the proceeds of this tax will be definitely earmarked for expenditure in connection with the various schemes that have been or may later be undertaken to implement Government's declared policy in relation to jute. Government policy may be specifically classified under the following four general heads:—

(1) Stabilisation of jute prices at reasonable economic levels.

(2) Improvement of the conditions under which and the methods by which jute is marketed.

(3) Improvement of the economic condition of jute grower in general.

(4) Improvement of conditions within the industry for the general welfare of all sections thereof, from the grower to the manufacturer.

It is not possible to give a complete and exhaustive catalogue of all the schemes that come or may in future come within the scope of each of these four main categories. In any case, no list that I might now give could or would be made binding on Government for all time. Nor is it possible now to foresee what measures may or may not be

found necessary. But this I can say, the proceeds of this tax will be specifically earmarked for the carrying out of measures falling within the four main categories I have given.

To indicate the kind of schemes or measures which it is intended should be financed out of the tax now proposed, I may briefly mention the schemes which at the present moment appear to Government to be the most important and most urgent.

First and foremost comes regulation. As I said on a previous occasion, without the relentless application of regulation, nothing substantial or permanent can be achieved. That I think, is a principle that is now universally accepted.

As stated before the estimated expenditure for this year is 36½ lakhs, partly because we now find it impossible to dispense with the whole staff during August, September and October as we first expected to, partly because we have had to give the staff a grain compensation allowance not previously provided for, and partly because we have had to increase the supervisory staff to ensure prompt and better disposal of work and place before us figures which may assist us in the issuing of future licenses on an even more equitable basis if possible. In future years, we may be able to reduce this annual expenditure on the processes of regulation to, say, about Rs. 32 to 33 lakhs, but I see little prospect of any considerable reduction below that level. From this it will be abundantly clear that about two-thirds of the estimated gross proceeds of this tax will be annually required to continue the application of regulation which is the fundamental basis of our whole jute policy and without which no efforts to stabilise prices at reasonable levels can possibly succeed.

Next, I come to measures for the improvement of marketing. So far, our expenditure in this direction has been very small. This year, we are undertaking no grandiose or large scale schemes because we feel that here we must proceed with caution, and only after careful experiment on a small scale. Only when we are fully satisfied as a result of such experiments that our schemes are sound and practicable will we embark on large scale measures. But we have every intention of pursuing a steady policy of progress in this direction and our expenditure will therefore be constantly on the increase. Our ultimate object is, as we have already announced, the building up of the holding power on the part of the growers that will enable them to bargain on equal terms with the other interests in the trade. How this can best be achieved must be a matter for continuous experiment and study. What form the association of growers will ultimately take, it is not possible to say now. But it is very clear that much spade work requires to be done before any solution of this problem can be achieved. I, for one, do not believe that any readymade solution will meet the case or that any such can be imposed from outside in present circumstances.

Meanwhile, we are proceeding with our efforts in what may be called an educative direction—to give the grower better information of market conditions and prices, to teach him the elements of proper assortment of his jute and to encourage the formation of small groups or associations to illustrate the benefits of collective bargaining and to break down age-old prejudices against the pooling of resources.

In this way only can we prepare the way for more ambitious projects of co-operative action by societies of growers and the establishment of a widespread system of organised marketing with adequate warehousing facilities and other requisite adjuncts. Simultaneously, and as a third category of our policy, with the development of scientific marketing it will be necessary to undertake measures for the general economic welfare of growers. These may include the development of better and more scientific methods of production, better methods of cultivation and of preparation of fibre for the market, better rotation and will thus include schemes of agricultural research concerning jute and other fibres and crops that may be profitably associated therewith. Here, again, our expenditure to date has not been large but it must be expanded. As an earnest of our interest and intentions in this direction, I may allude to the three new jute research stations which have recently been started by the Indian Central Jute Committee with our assistance and financial aid.

In this category I would also include schemes which may from time to time be necessary to assist growers in times of calamity or unusual difficulty by means of advances or subsidies.

Lastly, there are the measures which may be necessary in the general interests of the industry as a whole. In this category I would include such measures as the improvement and control of markets of all kinds, the maintenance of proper standards and all measures designed to maintain and increase the consumption of jute at home and abroad.

As one example of this type of measure, I may cite the case of the enquiry into the working of the futures markets recently conducted by Professor Todd, who I hope will shortly return to Calcutta to resume where he left off. The total estimated expenditure on all the measures, including regulation, which we are undertaking or are about to undertake during the current year amounts to about Rs. 37½ lakhs.

So much for the uses to which it is intended to put the money to be raised by means of this Bill. Let me pass now to the question of the incidence of this taxation.

As I have stated above, I feel satisfied after taking expert advice from economists of unimpeachable reputation that it is wholly incorrect to say that this taxation will fall on the grower either entirely or to any measurable extent. This is not only in essence but in fact a Sales Tax, which is notoriously borne by the consumer. This matter has

been thrashed out fully on the floor of the House on the last occasion in connection with my general Sales Tax Bill. It was never suggested that the producers would be affected by the tax at all but the consumers, and partly the traders, who under certain circumstances may not be able to pass the tax on to the consumers, I do not deny that in certain circumstances under certain very exceptional circumstances, the producer, namely, the jute-grower in this instance may have to bear a portion of the tax, but those circumstances can only arise if the supply was overwhelming and the demand very small. Those circumstances cannot now arise with the system of regulation of production which we have adopted, where supply and demand will be kept in reasonable proximation. Should our estimates fail at any moment, should owing to unforeseen circumstances, there may be no demand at all from any part of the globe, either for jute or for the manufactured commodity, which we could not have foreseen, we shall have to meet the situation if it ever arises—frankly I must say that this is beyond my conception—we shall have to meet that situation by measures for helping growers over specially difficult periods by advances or subsidies.

If we leave out of account such very exceptional circumstances, I think it can fairly be said that this tax will be distributed amongst all the persons participating in this industry. At times of keen demand or rise in price it is most unlikely that any part of this burden will fall on the producer. In normal times, the incidence of the tax would be shared by the several persons participating in the industry. Jute passes through many hands from producer to consumer.

The spread of price from former to latter is considerable. To assume or assert that at each and every sale on this system, the whole burden will and can be passed back until it rests with the producer only is to ignore plain economic facts. Given the fundamental condition, which by continued regulation we are determined to ensure in future, that demand and supply all kept in reasonably close accord, competitive buying in the market will prevent the producer from being saddled with any but an infinitesimal part of it, and perhaps not at all. There is ample room within the spread of price between grower and consumer for the absorption of this small tax without injury to any interest involved. Under present conditions, I think it may be fairly asserted as an economic truth that the tax will be borne wholly by the consumer. The present high prices of jute goods are in no way due to the prevailing price of jute.

The margin is considerable indeed, so considerable that we feel that there are flaws in the present organization, that there is wastage somewhere, which permits prices of jute goods to rise to dangerous levels that have no connection at all with what is paid for the raw material. If this small tax gives some added incentive to remove these flaws and stop that wastage, it would have served an excellent purpose quite apart

from the primary purpose for which it was designed, viz., to provide funds to enable Government to carry out those measures which are essential to the improvement of the conditions of the growers, to regulation, better marketing and better understanding of the part which they must play as the producer of the province's most important agricultural commodity. I have seen it mentioned in some financial papers that in the imposition of this tax, I am unmindful of the fact that jute goods must be cheap goods in order to compete in world's market with many substitutes. I wish to assure the House and business and commercial circles that I am fully alive to this fact. A tax of two annas per maund on raw jute will hardly have any effect on the price of the manufactured commodity and will not raise it beyond competitive levels. Under present circumstances, manufactured commodity is at a dangerous level irrespective of the tax, and when the gap between the cost of production and the price realized from the consumer is so considerable, it will have no effect at all. The question may arise if the tax was substantial, if the margin between the cost of production and the sum realized was inconsiderable or in other words, if the profit was unsubstantial and if at the same time, the cost of the manufactured commodity was so high that it permitted substitutes to take their place. I believe that it is always in the power of the jute-mill owners and the commercial magnates to so adjust trade and business that the jute grower will get an adequate price for his jute, that the necessary middleman will earn his usual and minimum profit, that the mills will be able to sell at command prices, which will give them their profit and at the same time keep the price of manufactured goods at a competitive level. Under those circumstances, which are not beyond the powers of regulation, the entire tax can be passed on to the consumer of jute goods. The Indian Jute Mills Association have by combination proved to the world that they can fix their own prices by agreement, and they can so regulate the industry as to stabilize the trade if they are minded to do so. Under present conditions I am confident that the trade should easily bear a much larger tax. I have purposely kept it low so as to conform to our present expenditure and the immediate schemes in contemplation.

As regards the actual design of the Bill members will remember that on the last occasion when Government were first considering the question of taxation of jute there was in operation an agreement with the Indian Jute Mills Association regarding minimum prices, one of the conditions of which was that Government would inform the mills beforehand of any taxation proposals. In compliance with this condition the Indian Jute Mills Association were informed of the proposal to impose a tax on raw jute and were given a general idea of the methods proposed. For their part the mills in reply stated that they had no objection in principle to this method of taxation. They made certain suggestions regarding the points of collection and these

suggestions have been incorporated in the provisions of the Bill. The other interests principally affected—the baled jute shippers were also informally consulted on matters of procedure and detail and their views have also been given due consideration.

I mention those matters only to show that the Bill does not come without any previous warning to those trade interests who are most closely affected by its provisions.

In fact, so far back as the Conference held in Delhi in December, 1940, the trade generally has been well aware of our intentions. At that time, the question of Government having to purchase jute on a large scale to prevent a collapse of prices was one of immediate importance.

The agreement reached at that Conference and the adoption by the mills of a considerable buying programme, which they substantially carried out, fortunately, relieved Government of the very considerable responsibility and risks of large scale purchase and the question therefore receded into the background. The necessity of imposing taxation to finance large scale purchases was avoided but it was accepted at the Conference with the approval of the Government of India, that taxation for the purpose of financing regulation and similar essential measures was thoroughly justified.

I hope the House will agree with me that this taxation measure——

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. If the Hon'ble Minister takes so much time of the House I do not know what——

The Hon'ble Mr. H. S. SUHRAWARDY: This is a matter of vital importance.

Mr. SASANKA SEKHAR SANYAL: Sir, he has already taken more than 40 minutes. I do not grudge the time taken by him but let us have equal proportion of time in order to discuss this question.

The Hon'ble Mr. H. S. SUHRAWARDY: This is always the case with my honourable friend on the other side. I would have finished in 30 seconds.

Mr. SASANKA SEKHAR SANYAL: Please rise above manuscript.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I hope the House will agree with me that this taxation measure is necessary for the

benefit of the jute growers, and that I shall have the satisfaction of securing the unanimous approval of the House on a measure of such vital importance to the welfare of our people.

I commend my motion to the acceptance of the House.

Mr. SHAHEDALI: Sir, I beg to move, by way of amendment, that the Bengal Raw Jute Taxation Bill, 1941, be circulated for the purpose of eliciting opinion thereon.

Sir, I have heard with rapt attention the speech delivered by the Hon'ble Finance Minister and though it appears that there are a number of loopholes in his speech it is couched in elegant phraseology. I know, Sir, the fate of my circulation motion. It appears that I have been selected as a member of the Select Committee. I shall be in a position to show these loopholes in the settings of the Select Committee. I shall have consultation with other members of the committee in order to see whether this Bill should be dropped or acted upon.

Sir, with the advent of the so-called popular Government the general public thought of relief, relief from future taxation, but to their utter surprise, they were taxed in the past, they are going to be taxed now, and the Government have extended hope for future taxation also. Government is bent on doing good to the people, but the people are crying to save them from their so-called friends, so-called Krishak *daradis*.

From the head and tail of the Bill it will appear that the Government do not mean to tax the cultivators but they mean to tax the occupiers of the jute-mills and the shippers of jute. In the beginning it is stated in the Preamble: "A Bill to provide for the levy of a tax on raw jute purchased by the occupiers of jute-mills and by shippers of jute. Whereas it is expedient to provide for the levy of a tax on raw jute purchased by the occupiers of jute-mills and by shippers of jute for the purpose of carrying out measures for the stabilisation of jute prices and for furthering the interests of the growers of jute in the Province."

Now, Sir, in the Statement of Objects and Reasons it is stated: "For practical reasons and for administrative convenience it is proposed to tax only what may be called the 'final" transaction. That is to say, to impose and collect the tax at the stage where—

(*a*) it is delivered to a jute-mill to be used in the manufacture of jute goods, or

(*b*) it is delivered to the shipper in the form of 'pucca" bales for supply to consumers overseas. In such case it is more convenient to collect the tax from the final purchaser in Bengal, i.e., the jute-mill owner or the shipper, and it is also easier to detect and prevent evasions of the tax at these two points. The Bill is accordingly designed to provide for this."

Sir, this is nothing but an attempt to deceive the cultivator. If 2 annas tax is levied on raw jute purchased by the occupiers of jute-mills and by the shippers of jute they will purchase jute at 2 annas less if not more. In our experience in the past we are convinced that on the pretext of raw jute tax the *farias*, the mill owners and the middlemen in jute business will purchase jute at a much lower price. The object of the Bill, as it appears from the Statement of Objects and Reasons, runs thus: "In order to finance the carrying out of measures for the stabilisation of jute prices, the improvement of marketing and generally to further the interests of the jute-growers of the province and of the industry as a whole, considerable sums of money are required which cannot be found out of ordinary revenues." The object of the Bill is to provide funds for these purposes and it is intended to earmark the proceeds of this tax for such expenditure. On this point in the past the Hon'ble Finance Minister did not assign any reason for taxation, nor did he say for what purpose the money would be spent. This time the Hon'ble Finance Minister has given reason for taxation and he is specific that the money will be spent for the welfare of jute growers and for regulating the jute business.

What do the Government mean by the word "stabilization"? Stabilization does not mean increase of price of jute. I was a member of the Jute Enquiry Committee and the majority members recommended a scheme for restriction, regulation and marketing of jute, for raising the price of jute, and also they recommended to fix the minimum price. These four ingredients must go hand in hand to raise the price of jute. But the Government do not intend to take recourse to it but only in the name of stabilization of price of jute want to raise a huge sum. Piecemeal legislation will do no good to the jute growers.

Whenever a tax is levied it is levied on all, irrespective of class or creed. But in this case the burden will be exclusively borne by the jute growers. I cannot understand why for the purpose of stabilization of price of jute the cultivators alone will be taxed. I think that the whole Bengal should contribute for this purpose.

In my opinion no tax is necessary if the Government is really bent on the object as enunciated in the Bill. Economy will be sufficient to solve the problem. I believe, by this time, Government is aware of the miseries of the people. They are on the verge of starvation. The salary of Government officials is sufficiently fat to allow a cut of 25 per cent. for the time being. When better days come they may put in their claim for compensation. Be that as it may, the Hon'ble Minister may be right and I may be wrong or I may be right and the Hon'ble Minister may be wrong. Before we actually levy a tax on jute the opinion of the country should be taken. Our Government is said to be popular Government. They should not levy any tax against the will of the public.

Lastly, I appeal to the members from North Bengal and East Bengal to see that the Bill be not referred to the Select Committee but be circulated for the purpose of eliciting public opinion by 31st March, 1942.

Mr. SATYA PRIYA BANERJEE: Mr. Speaker, Sir, I rise to speak on the motion for circulation of the Bill. In doing so, I shall briefly survey the policy of the Government and its attitude towards the problem of jute and its grower. I have heard with rapt attention the long speech which the Hon'ble Minister in charge has inflicted on the House, a speech which is only a catalogue of what he desires to do but not how it should be done. I have heard his speech with attention and I may say perhaps without any fear of criticism or contradiction that we have not been vouchsafed with any clear formulation of the policy of Government with regard to this golden fibre of the province. From the moment, the present Ministry took up the reins of Government and even before that during the election campaign we have been overwhelmed with effusions of solicitude for the ill-fed, ill-clad and ignorant multitude of jute growers of the province, the man behind the plough, the man in the factories and workshops, the man who by the sweat of his brow is scarcely able to make his two ends meet, but I am constrained to observe that their professions of sympathy and their anxiety for the unfortunate people of this province have been only lip deep and have not manifested themselves in any legislation for their real benefit. The Bengal Tenancy (Amendment) Act of 1938, of which so much capital has been made by the present Ministry, if it has done anything, has succeeded in creating new landed proprietors, a new class of bourgeoisie, who will go on merrily oppressing the tenants under them, and has completely ignored the rights and interests of the actual tillers of the soil.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not see the relevancy of your point.

Mr. SATYA PRIYA BANERJEE: Are you not following? You will presently come to realise it—have a little patience.

The Hon'ble Mr. H. S. SUHRAWARDY: I did not want to rise on a point of order because the flow of eloquence is so perfect that I do not want to interrupt the honourable member. But the point of order merely is: on this question of Raw Jute Taxation Bill, do all the legislative enactments of this Ministry come under review?

Maulvi ABU HOSSAIN SARKAR: They are only a catalogue of your misdeeds!

Mr. SATYA PRIYA BANERJEE: Sir, the present Government had also suspended enhancements of rent and with a great flourish appointed a Rent Reduction Committee to enquire into the incidence of rent in the province and make recommendations regarding its reduction but about whose deliberations, even after the lapse of three long years, we have yet to know from the Government. Thanks again to the results of the Bengal Money-lenders and the Agricultural Debtors (Amendment) Acts, all sources of credit have been dried up without Government having furnished other sources of credit in their stead. The Government enacted a legislation which aimed at regulating the production of jute apparently with a view to raise its price but which failed in attaining the object owing perhaps to the unwillingness or shall I say inability on the part of the Government to tackle the jute problem in its entirety. Had the Government been wise, had it the foresight and imagination and courage to tackle the problems from the point where it is grown to the point where it is manufactured into finished products, by eliminating the successive series of middle-men, who deprive the jute growers of their legitimate dues and not tinkered and played with it as they have been doing by these piecemeal measures, the problem of the price of jute and with it the problem of increasing the purchasing power of jute growers would have been solved and the face of Bengal would have been smiling and she would have been long ago on the way to peace, prosperity, happiness and progress. In this background, Sir, we have to judge the Bengal Raw Jute Taxation Bill.

In the Statement of Objects and Reasons, it is said that " in order to finance the carrying out of measures for the stabilisation of jute prices, the improvement of marketing and generally to further the interests of the jute growers of the province and of the industry as a whole, considerable sums of money are required which cannot be found out of ordinary revenues. The object of this Bill is to provide funds for these purposes and it is intended to earmark the proceeds of this tax for such expenditure".

Sir, I must frankly admit that I cannot congratulate the Hon'ble Minister in charge on the impossible task that he has set upon himself of reconciling the interests of the jute growers with those of the industry as a whole. I ask him in all seriousness and with all the emphasis that I can command, does he really want us to blow hot and cold in the same breath with him? Does he want us to believe that the lamb will lie safely with the lion in the same den? I am sure he will agree with me that the interests of jute growers and the industry are irreconcilable. They have nothing in common; their interest are diametrically opposite. A ceaseless struggle must go on between them till the jute growers with their allies the workers in the jute industry will be in a position to socialise the industry as a whole for the benefit

of the province and not for the benefit of the privileged few—(The Hon'ble Mr. H. S. SUHRAWARDY: Impossible!)—I can understand, Sir, the anxiety of the Hon'ble the Minister to continue to secure the favour of his white masters, the members of the European group, and to protect himself from the frowns of the jute growers who are, in the last resort, the arbiter of the destiny of the Ministry. But he has to choose, here and now, between the favours of the British exploiters and the frowns of the exploited, his own kith and kin, the bone of his bone and the flesh of his flesh. Apart from these general considerations and without going into the question of incidence of this taxation, a question which is not free from doubts and difficulties, I am happy to say that the Minister in charge has at last accepted the suggestion of my honourable friend to the left, Mr. Surendra Nath Biswas, who in his Jute Bill of 1937 incorporated some such scheme of taxation on jute industry; but I am sorry the Minister in charge had not the courtesy to acknowledge it. Sir, the importance of jute in the economy of this province cannot be overestimated. Jute is its only money-crop and on its proper price will depend the future welfare and prosperity of its people. In order to improve the holding power of jute growers, in order to improve their marketing facilities, in order to increase the price of jute, the only scheme feasible is to set up co-operative marketing organisations, but here, I think, I will be confronted by saying that co-operative jute sale societies were started in Bengal, but failed. May I, Sir, point out to you from the little knowledge that I possess of those institutions that their failure was mainly due to the sabotage of the British interests in jute here and at Dundee; it was due to their subtle intervention that the jute sale societies came to grief. We are apprehensive of their attitude in this regard and we have serious misgivings as to how they will react to this measure this time. Let us hope that the present Ministry will rise equal to the occasion and not succumb to the sinister influences, as they have often done in the past, and machinations of the European Group.

Before I conclude, Sir, I must thank the Hon'ble Minister in charge for at least giving us a catalogue of what he intends to do. I would have been more thankful if he could lay all his cards on the table, a full scheme as to how the income of the jute growers has to be increased and of the measures to be adopted by the Government for securing this end; and in this connection I would refer the Hon'ble Minister to the scheme which had been sponsored by my honourable friend, Mr. Surendra Nath Biswas, the scheme which had received the support of the Coalition members of the Jute Enquiry Committee and had been incorporated in its majority report, the scheme, which if the Government be really sincere in their professions, they will do well to implement.

With these few words, Sir, I support the motion for circulation.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, in the ordinary course, under ordinary circumstances we have often welcomed this measure. Even now we are prepared to accept this measure if the Hon'ble Minister in charge fixes the minimum price of jute. Sir, our experience tells us, and that very clearly, that ultimately the producer will be affected. In explaining the incidence the Hon'ble Minister has only said that he has taken expert advice from economists. He has said that if the demand is great, then there is nothing to be afraid of, but he has said that there may be a danger. We know of the amusement tax; no owners of cinemas and theatres pay the tax but only the ordinary cinema-goers pay the tax. In his lengthy speech the Hon'ble Minister in charge refers to the sales tax. Sir, the sales tax is not yet in force but what is the condition of the poor peasants in the mufassal? I can say, Sir, from my personal experience that big shop-keepers of the mufassal are raising the sales tax from now; I can tell you that as a result a piece of *dhoti* worth Re. 1 is selling at Rs. 1-4 in the mufassal. Sir, there are various methods to deceive the poor agriculturists of Bengal. We know how the jute-mill owners or the shippers will be able to carry through. Sir, one particular section is a very doubtful section. In section 21 of the Bill the Hon'ble Minister proposes that "the Provincial Government may, by rules made in this behalf, exempt any person or class of persons from all or any of the provisions of this Act." We do not know who are this class of persons and whether there has been any underhand arrangement with any such class of persons. We know, Sir, if the amount of sales tax, say, 40 lakhs of rupees, is set apart to safeguard the interest of the cultivators, that is no doubt a very nice proposal. The Hon'ble Minister in his speech has admitted that for licensing and checking the jute regulation Government had spent an amount of more or less 14 lakhs of rupees last year. Sir, I can assure this House, and the members opposite will perhaps agree with me, that if that is the expenditure from the public exchequer, I can say without any fear of contradiction that the poor cultivators of Bengal had spent another 14 lakhs of rupees for these unscrupulous employees under the Jute Regulation Act. Even now the process of exaction from the agriculturists is going on. I had been in some districts when checking was in progress and I saw myself how money is exacted from the poor agriculturists by some employees under that department—I mean the Jute Regulation Department. The proposal of taxing the ultimate consumer is a laudable proposal, but, Sir, we have grave doubts that Government will take a serious step to prevent any depletion of the price of jute in the long run. Sir, I know how many hands are changed in the process of purchase of jute from ordinary broker of the mufassal to the big brokers of Calcutta. Sir, it will be for all practical purposes impossible for the Government to control those hands that are now

engaged in dealing with the purchase of jute. Ultimately the poor producers of jute will be affected. There are other avenues where Government can easily tax and raise this small amount of 50 lakhs of rupees or less.

Sir, the view of the party I belong to is that there must be taxation for the benefit or to safeguard the interests of the cultivators of Bengal, but, Sir, we are convinced that this measure will not benefit the cultivators of Bengal. My friend the previous speaker while speaking referred to the Bengal Agricultural Debtors Act and the Money-lenders Act. Sir, to speak the plain truth what is the net result of these two measures passed by this Government? Not a single member of the party opposite will disagree with me when I say that the net result of these two Acts is that agriculturists are selling their holdings; they are gradually becoming landless labourers for want of money. They do not get any money from the money-lenders now. The credit has entirely dried up and at the time of sowing they do not get any money. I know, Sir, particularly in my district possibly 20 to 25 per cent. of the agriculturists have been compelled to sell their entire land to the *mahajans* for immediate need of money. There is no arrangement by this Government to save the cultivators by advancing money to the agriculturists. If this Government had any imagination they ought to have arranged for money to be advanced to the agriculturists either through Land Mortgage Banks or other systems of advancing money. The money that has been advanced through the co-operative societies is totally inadequate and we know, Sir, the working of the Provincial Bank of the co-operative societies and I am afraid in no time it will go to liquidation. Therefore, we have every reason to believe that the agriculturists will not be profited by this measure; rather they will be very much affected by it.

With these words, Sir, I support the circulation motion.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I wholeheartedly support the motion for circulation of this Bill. I would not have whole-heartedly supported it but I do so merely for the reason that the Hon'ble Minister who has moved this Bill has himself admitted that he had consulted the mills before he considered the proposal of bringing this Bill before the House. As he has consulted the mills, I think I shall be right and it will be a pertinent demand on my part to ask the Hon'ble Minister to circulate the Bill to the jute growers who produce this crop and on whom the tax will, at least to some extent, be passed on by the jute mills, as has been admitted by the Hon'ble Minister himself.

Now, Sir, the jute mills have agreed to this tax being imposed. I know why they have agreed. The reason is that this tax will not affect

them in the least. During the last year Government came to an agreement with the mills that the mills would purchase jute at a price not less than Rs. 6 per maund. This was in July. In December that agreement was changed and the mills agreed not to purchase jute at a price below Rs. 7 for bottom. But I may tell the House that at the time of purchase the mills refused to purchase bottoms at the agreed price. The mills said that the bottom available in the market was not the real bottom and so they refused to purchase the bottom at the price in accordance with the agreement. The result was that the bottom was sold for a mere song. Now, Sir, I feel that the mills will again come to an agreement with the Government this year by fixing the minimum price at, say, Rs. 5 or Rs. 6, so that more than 10 times that 2 annas tax will be passed on to the jute grower. The other side of the picture is that mills agreed to purchase at a price not below Rs. 6 or Rs. 7 during the last year, but the minimum price at which the jute grower could sell his jute was not fixed. The mills which generally purchase from the trader gave that minimum price of Rs. 6 or Rs. 7 to the trader, but Government did not consider what price the trader would offer to the jute grower The traders might at their pleasure offer Rs. 2 or Rs. 3 or Rs. 4 to the jute grower. The interests of the jute growers did not attract the attention of the Hon'ble Minister. The Hon'ble Minister was satisfied by simply coming to an agreement with the mills, but the trader could offer any price to the jute grower, much less than Rs. 6 or Rs. 7. That was the reason why the price of the last year's crop fell down to Rs. 2 or Rs. 2-4 per maund. If the mills can thus keep down the price, how are they going to be affected by the tax?

Sir, there is another thing to be considered along with the fact that the mills have agreed to this taxation. I may tell this House that for the last three years there were three grades of jute—top, middle and bottom, but this year the mills have introduced another grade which is called cross-bottom—that is a quality which is below bottom, so that when the mills will come to an agreement with the Government this year about the minimum price, they will say that they will purchase cross-bottom not below, say, Rs. 3 or Rs. 4. So the members may imagine how many times this 2 annas tax will be passed on to the jute grower unless Government come to the rescue of the jute grower.

Now, Sir, when I first saw this Bill I thought of congratulating the Hon'ble Minister at least for the courage he was showing by going to tax the mills. I made repeated requests in this House to make deficiency payments to the jute grower at the time when jute price fell down by taxing the mills, but Government did not pay any attention to my request. I pointed out to the Hon'ble Minister as well as to the members of the House that similar deficiency payments under similar circumstances were made to the agriculturists by the Government of the

United Kingdom and the Government of America by taxing the mills. The wheat mills of the United Kingdom and the cotton processors of America were taxed and deficiency payments were made to the wheat growers and cotton growers respectively out of the money derived from that taxation. But the Government of Bengal did not listen to me. However, I am very glad that the Hon'ble Minister has come with a proposal to tax the mills, although I know that for some years this tax will be passed on to the jute grower. But I am sure that the Ministry will have to change their attitude towards the jute grower and will have to devise measures by which this tax will be utilised to give the jute grower a better price. The present Ministry have so long overlooked the interests of the jute grower and looked more to the interests of the jute mills than to those of the jute grower. That is why the present Government have not yet initiated proper measures for increasing the prices of jute. But the time is fast coming when they will have to change their attitude.

Sir, I may tell the Hon'ble Minister and the members of the House one fact, namely, that while we members of the Jute Committee were making tours all over the province, we advocated the policy of compulsory regulation of production and the jute growers agreed thereto only on one condition that along with the regulation of production the price of jute must be increased.

The Hon'ble Minister should take note of the fact that last year the price fell down to an abnormal depth and I am afraid prices will fall down to an abnormal depth this year also. The price can be increased only by a legal measure; otherwise, I am afraid, the price will not rise. For the present the price is high no doubt. Why? Because the jute mills want a little quantity of new crop to be mixed up with old crop for manufacturing their hessians and other jute products, but the production of the new crop as available in the market is very small and that is why the price has gone high. But within one month the new crop will come in abundance in the market and the price is sure to fall down. I warn the Hon'ble Minister beforehand that he must take adequate steps to see that the price does not fall down. If the price falls down, the jute growers will not abide by the law for regulating the production of jute and there will be a revolution.

Now, Sir, the Hon'ble Minister has said in the Statement of Objects and Reasons that this tax will be earmarked for three objects, firstly for the stabilization of jute price, secondly for the improvement of marketing jute, and thirdly to further the interests of the jute growers of the province and of the industry as a whole. Now, the words "stabilization of the jute prices" are very vague and indefinite. Does he mean fixation of the price of jute? I think he does not mean that. Had he meant that he should have simultaneously brought up all the

four measures that were recommended by the Bengal Jute Enquiry Committee? Government cannot fix the minimum price unless and until the holding power of the jute grower is sufficiently increased. That can be done only by making arrangement for financing the jute grower. Sir, the Finlow Committee, of which you were a member, recommended that some financing arrangement ought to be made, so that the jute growers might be able to stock their jute in bonded warehouses and to get advances against stocked jute and thus their holding power might be increased. Our Committee also recommended the setting up of some organisation to finance the stocking of jute in bonded warehouses or to sell the entire output of jute on behalf of the jute growers. Where is the measure for that purpose? The Hon'ble Minister has said that he has got no distinct measure in view for that purpose. Then again he says that he is going to improve the marketing of jute with the help of this tax. May I ask, how? Sir, for the purpose of marketing, a Bill is coming before the House, namely, Bengal Markets Regulation Bill. In that Bill I am sorry I do not find any provision for having a regulated market with warehouses, nor do I find any provision so that the jute grower could stock his jute therein to get advances. The price of jute might be controlled in that way. But there is no such provision in that Bill. No other measure to achieve that object has been brought by the Government and the Hon'ble Minister himself has admitted that there is no such measure in his view. He is simply out to make the experiments—experiments with what? He is merely leaving the jute growers to the mercy of the law of supply and demand. He seems to be content with the regulation of production only and after doing that he will leave the jute growers to the mercy of the law of supply and demand. I have pointed out many a time in this House that mere regulation of production will not ensure better price to the jute growers. In the year 1938 when the crop was reduced to 75 per cent. of its normal production, in that year also the jute price fell down. Why? Because the price policy has been and is being manipulated by the jute mills. It is they who dictate the price, the jute growers cannot. They are forced to sell their jute as soon as it is fit for the market and that is the reason why they cannot dictate the price. It is the mills who purchase jute and dictate the price. So long as the price policy will be controlled by the mills, no power on earth can increase the price of jute. I have repeatedly requested Government to take away the price policy from the hands of the purchasers to the hands of Government and exercise their policy through a statutory body. That was demanded in my Jute Bill in 1937, and that was again demanded in the Jute Enquiry Committee Report which has been submitted to Government in 1939 under the signature of 19 non-official members of whom 15 belong to the Coalition Party. All of them joined us in that demand. But the Government

has taken no notice thereof. Sir, I want to impress upon the minds of the Hon'ble Minister and the members opposite that you cannot continue the regulation of production unless you can make the jute growers feel that by such regulation the price has been increased. You cannot increase the price of jute until the price policy is controlled by Government on behalf of the jute growers. Government in controlling that policy must have regulated markets all over the province with bonded warehouses and the jute growers shall be enabled to stock their jute in warehouses and to get advances against their stocked jute. Government shall also arrange for an organisation which will sell that jute on behalf of the jute growers and will thus dictate the price. I have already submitted a scheme for that purpose. Finance is certainly necessary to work out that scheme. I suggested in my scheme that four annas per maund as cost might be realised from the jute growers who would deposit their jute in the bonded warehouse. Instead of giving effect to that scheme the Hon'ble Minister is going to tax the raw jute, when it will be purchased and exported. However, I welcome the taxation, but I warn the Hon'ble Minister, that if this money is spent for any purpose other than financing the aforesaid scheme and thus ensuring better and higher price of jute to its growers, his administration of the policy of regulation of production will fail and he will be faced with a revolution next year.

Another point is—the Hon'ble Minister has said that he requires about Rs. 40 lakhs for meeting the costs of regulation of production, which, he suggests, is a step towards the stabilization of the price of jute. May I ask him—what has he done with Rs. 8½ crores which the present Government during the last four years have got as contribution from the Central Government out of customs duty What has he done with that? Has he spent a single *cowri* out of that money for stabilising the price of jute? If any money is required for continuing the regulation of production, the expenses for that purpose should be incurred out of the sum of Rs. 2 crores and several lakhs which the Government get as contribution annually from the Central Government. No money out of this tax should be spent for regulation of production. My friend the Hon'ble Mr. Tamizuddin Khan is not here to-day. He could bear me out that we wanted regulation to be done through the union boards with the help of inspecting organisations which would cost Government only a few thousand rupees, not even one lakh; but instead of that, the Hon'ble Finance Minister in collusion with the then Director of Land Records adumbrated the present scheme of regulation of production and has involved the Bengal Exchequer with a cost to the tune of Rs. 60 lakhs. (Mr. SASANKA SEKHAR SANYAL: Scandalous.) In any case, whatever amount is required for the regulation of production of jute and for any other purpose excepting financing an organisation for selling jute on behalf

of the jute growers, should be met out of the provincial revenue to which the Central Government contribute about Rs. 2 crores 62 lakhs every year. If the Hon'ble Minister holds a different view, he should circulate this Bill amongst the jute growers who will be admittedly affected by the tax proposed therein.

Mr. I. C. KENNEDY: Mr. Speaker, Sir, on behalf of the European Party I support the motion for reference of the Bengal Raw Jute Taxation Bill to a Select Committee.

In the Statement of Objects and Reasons—and in the Preamble—we are informed that the intention of this Bill is to raise and earmark funds for "carrying out measures for the stabilisation of jute prices, the improvement of marketing, and generally to further the interests of the jute growers of the province and of the industry as a whole". These are admirable aims and nobody who has any knowledge of the economic structure of Bengal will deny their urgency and importance.

We agree with the Hon'ble Minister that predominant among the measures which must be adopted in order to stabilise the price of an agricultural commodity such as jute is the effective regulation of its supply to demand, and my Party support in principle Government's jute regulation policy, and have no objection to taxation levied to finance this policy.

The Hon'ble Minister has just stated that the measures contemplated in addition to jute regulation are improvement of conditions of marketing, improvement of the economic conditions of the jute grower, improvement of the industry from the grower to the manufacturer. We would like to see the money specifically earmarked in the Bill for these objects.

My party, Sir, would in particular welcome an assurance from Government that it is not their intention to devote funds realised from this tax for the purchase of jute, except after careful consideration of the consequences involved, and after full consultation with the industry.

It is the considered opinion of my Party that stable jute prices are impossible so long as *fatka* continues to function in its present form for this market, through its gambling operations, encourages and promotes unnecessary and uneconomic price fluctuations. Strangely enough, such operations are apparently to be permitted to continue untaxed, although genuine trading interests, such as mills and shippers of jute, are called on to pay a tax. This in our view is definite discrimination in favour of *fatka* operators for which we can see no possible justification, and we should like to know if Government propose either to tax such operations or, alternatively, to close down the *fatka* market which has been severely condemned many times on the floor of this House by all parties.

Turning to the provisions of the Bill, my Party take strong exception to clause 4 whereby jute mills in Bengal—all of which come under the provisions of the Factories Act—are required to register on payment of a fee. We would ask Government to state what necessity there is for requiring all jute mills to register since particulars of all jute mills are made available annually under the Factories Act.

Moreover, Sir, I think the House will agree that it is somewhat anomalous for tax collectors to be asked to pay for the privilege of acting as such. Under this clause also Government propose to give themselves the power to withhold or cancel the registration of jute mills. Such power in our opinion, might well operate in restraint of trade and, in any case, is outside the scope of a taxation measure and we oppose it.

I would draw particular attention to sub-clause (2) of clause 4 which provides that no new jute mill shall be established without the previous sanction of Government. It would be interesting to know the reasons for this astonishing provision which is surely quite outside the scope of a taxation measure.

There are other points in the Bill which, we consider, need modification, and these we shall raise in Select Committee.

Sir, I support the Hon'ble Minister's motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am grateful to all sections of the House for the support that they have given to this taxation measure because in the apparent objections that have been raised I find a substratum of support which probably every one in the House has appreciated. I know that Mr. Shahedali and his party cannot let this splendid opportunity to pass without putting themselves forward as the guardians of jute growers and agriculturists and misrepresenting this measure before them. Actually Mr. Shahedali does agree that this taxation measure, if the proceeds are properly spent, that is to say, spent for the benefit of the jute growers, is a measure that should be supported by all persons who have the interests of the people at heart.

I think that Mr. Shahedali also raised the question of fixation of minimum price for jute as being an adjunct of this tax. Sir, although it would be somewhat irrelevant, so far as the taxation proposals are concerned, I would like to say a few words regarding my personal views on this question. Fixation of minimum price for jute was absolutely impossible as long as the sowings of jute were unregulated. But it is now within the province of practical politics after we have gone in for regulation, but before we take up the question of fixation of minimum price there are various other matters which we shall have to consider, which will have to be straightened out.

For instance, some members parrot-like always repeat in season and out of season "let a minimum price of jute be fixed". Minimum price of what—of what grade of jute? As soon as you fix the minimum price of a grade, you can be certain that the best quality or good quality jute will be sold for this minimum price and there will be no incentive on the part of the jute growers to grow better quality jute. I may give you an example which was pointed out to me by a gentleman associated with the *ganja* cultivation. Honourable members who are probably aware or who have some personal knowledge regarding *ganja* matters may support the statement made by the gentleman.

Rai HARENDRA NATH CHAUDHURI: We are not aware of anything about *ganja*.

The Hon'ble Mr. H. S. SUHRAWARDY: What he stated was that formerly the market was a free market. *Ganja* was sold in the free market and the cultivators took adequate steps to cultivate good quality *ganja*, because they got a better price. After the Society was formed and they fixed a minimum price which paid the *ganja* cultivator for all his efforts and brought in money even when he produced bad quality *ganja*, they gave up the production of good quality *ganja* altogether. That is a point which may well arise in respect of jute. There is this danger that if you fix a minimum price for low quality jute only, and it will pay the cultivator to grow low quality jute, he will give up all efforts to produce good quality jute. I do not say that a minimum price cannot be fixed, but it will have to be fixed for several grades. For this jute will first have to be standardised. It will have to be graded. We shall have to have experts to determine the grade in which a particular quality falls, and on that basis a minimum price may be fixed, demanded and paid. In order to do that there are many steps necessary and we propose taking those steps which may either ultimately enable us to fix minimum prices, or may so organise the growers and the industry generally as to do away with the necessity for the fixation of minimum prices. For instance, if we educate the growers, if we induce them to combine and pool their resources together, if we put up warehouses, if we give them advances and if we can have their jute graded and sold at best markets, then these jute growers will get an adequate price for their jute without having to resort to such extreme measures as the fixation of minimum price or the purchase of jute by Government, which is certainly an extreme measure which no Government can take up lightly. There was a time when, if the jute mills had not come to an agreement with us in Delhi, I would have gone in for purchase of jute on behalf of Government regardless of risks. That would have been an extreme measure which those extreme conditions

would have necessitated. But I may say that it is a step which the Government will be most reluctant to take and Government will explore all avenues before it embarks on such a step.

Mr. Syed Jalaluddin Hashemy has cited a very unfortunate illustration, viz., that the cinema-goer has had to pay the amusement tax. The cinema-owner has passed on the tax to the cinema-goer and the parallel is exactly the same thing here. The cinema-goer is in the position of a consumer while the cinema-owner is in the position of a producer and if the cinema-goer has had to bear the tax and the parallel stands, then it is equivalent to this that my friend supports me in my contention that generally speaking it will be the consumer that will bear the tax.

I ask the honourable members to realise that there is a considerable gap between the prices of the producer and the ultimate consumer. There are so many persons engaged in this industry and there is such a wide gap between the prices and at the same time each one is so competing in his own grade that they must share the tax among themselves, and it will be well nigh impossible to pass on the tax to the producer. Mr. Surendra Nath Biswas said that he would not have supported the motion for circulation whole-heartedly if we had not consulted the mills; I can assure my honourable friend that I did not consult the mills as to whether I would impose or not impose the tax. I merely consulted the mills on the technique of the taxation and how best it can be collected without any expenditure to Government and how we can easily get the money. And there not only have I consulted the mills but I have consulted jute balers as well, and the result of it is that initially they will have to pay the tax.

Sir, I do not think it is necessary for me to meet the other points that have been raised which are really outside the purview of this Bill. They deal with the grades for this year, jute prices and so on. I hope the European Group are satisfied with what I have said regarding the purchase of jute. I do not say the time may not arrive—I do not want to threaten my honourable friends, but if they are wise they will understand that occasions may arise when Government may be compelled to purchase jute. But to say that this measly tax which is going to bring in only 50 lakhs of rupees can be utilised for the purchase of jute shows a complete lack of comprehension of the problem of jute purchase. We would need crores and crores of rupees for that purpose, and I can give this assurance not only to my honourable friends over there but to all the members of this House that I consider the purchase of jute on behalf of this Government to be a very risky measure and I am not prepared to embark upon it except after the fullest consideration and after creating a satisfactory organisation for the purpose.

Now, Sir, Mr. Kennedy has also raised the question regarding the *fatka* operators. I believe he knows that there are two views on the subject, and it has been asserted on the floor of this House that if there was no futures market it would give such a free rope to the jute mills to purchase jute at their own price that a market of this type is necessary to stabilise prices over a period. I agree that the *fatka* market, as it is constituted at the present moment, needs drastic changes and for that purpose we have had the benefit of the advice of Professor Todd who has certainly placed before us proposals which are of the utmost value to the trade. I hope that we shall have the benefit of his services once more. He has had to go back to England and he has been earnestly requested by us to return and take up the work at the point at which he left it.

As regards the tax on *fatka* operations, I ask Mr. Kennedy to consider this matter a little bit more carefully. I think if a tax is levied on *fatka* operations there is every danger that the operation will continue but will be driven underground and the evils will be accentuated. This is a matter which needs consideration. I am not prepared to say one way or the other whether it can or cannot be imposed. This I can only assure my honourable friend that I am so keen on taxation and on raising money for nation-building departments and enhancing the credit of this province that if *fatka* operations can be satisfactorily taxed without any danger to jute growers or to the industry, I shall tax them.

There are other minor points raised by Mr. Kennedy which can be considered during the Select Committee meetings. I need not deal with them here. Some points which he has raised are worthy of serious consideration, and I hope there will be no difficulty in adjusting them in the Select Committee. I hope I will have the concurrence of the House externally as I have had it internally.

The motion of Mr. Shahedali by way of amendment that the Bengal Raw Jute Taxation Bill, 1941, be circulated for the purpose of eliciting opinion thereon, was then put and a division called.

(As usual the division bell rang for about five minutes after which the motion was again put by Mr. Speaker in the following words):

Mr. SPEAKER: The question before the House is that the Bengal Raw Jute Taxation Bill, 1941, be circulated for the purpose of eliciting opinion thereon.

As many as are in favour of the motion will say "Aye".

(There was a cry of "Aye" from the Opposition Benches.)

And as many as are against it will say "No".

(There was a cry of "No" from the Coalition Benches.)

I take it that the "Noes" have it.

(Pause.)

The "Noes" have it.

The motion of Mr. Shahedali was declared lost.

Maulvi ABDUL WAHED: Division, Sir.

Mr. SPEAKER: You ought to have called for a division after I declared, "I take it that the 'Noes' have it" and when I paused before declaring the final result.

Mr. SYED JALALUDDIN HASHEMY: In that case there are other motions, Sir, which I hope you will now put.

Mr. SPEAKER: No. They are all included in the general motion that I had just put before you.

The motion of the Hon'ble Mr. H. S. Suhrawardy that the Bengal Raw Jute Taxation Bill, 1941, be referred to a Select Committee consisting of—

(1) Maulvi Muhammad Israil,
(2) Khan Bahadur Maulvi Hashem Ali Khan,
(3) Yusuf Mirza,
(4) Mr. M. A. H. Ispahani,
(5) Khan Bahadur A. M. L. Rahman,
(6) Mr. Abul Hosain Ahmed,
(7) Mr. Jagat Chandra Mandal,
(8) Mr. I. G. Kennedy,
(9) Mr. J. R. Walker,
(10) Maulvi Mafizuddin Ahmed,
(11) Mr. Debi Prosad Khaitan,
(12) Mr. Shahedali,
(13) Mr. Abdul Karim, and
(14) the mover,

with instructions to submit their report by August 8, 1941, the number of members forming the quorum being five, was then put and a division taken with the following result:—

AYES—103.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Majid, Maulvi (Mymensingh).
Abdul Majid, Mr. Syed (Nankhali).
Abdul Motaleb Mallik, Dr.
Abdul Wahab Khan, Mr.

Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Afzal Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Ranik Lal.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D., C.I.E.
Golam Rabbani Ahammad, Maulvi.
Griffiths, Mr. C.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Jainuddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Khaitan, Mr. Debi Prosad.
Mafizuddin Ahmed, Dr. (Bogra).
Mafizuddin Ahmed, Maulvi (Tippera).
Mahtab, Maharajkumar Uday Chand.
Mandal Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mukerjea, Mr. Taraknath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Pottinger, Mr G. U.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razzur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sarker, Mr. Nalini Ranjan.
Sirajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr
Sirdar, Babu Litta Munda.
Speller, Mr. J. H.
Smith, Mr. H. Brabant.
Stark, Mr. A. F.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Taperiah, Meengtu Lall, Rai Bahadur.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yousuf Mirza, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—27.

Abdel Wahed, Maulvi.
Abu Hossain Sarker, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Das, Mr. Monmohan.
Das Gupta, Srijut Narendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Hasan Ali Choudhury, Mr. Syed.
Jainuddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Lahiri, Babu Ashutosh.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Masiruzzaman Islamabadi, Maulana Mo
Maqbul Hossain, Mr.
Nawsher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Wahid Bahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 103, and the Noes 27, the motion was carried.

The Bengal Court of Wards (Amendment) Bill, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce the Bengal Court of Wards (Amendment) Bill, 1941.

The Secretary then read out the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Court of Wards (Amendment) Bill, 1941, be taken into consideration.

Sir, this is a very simple and, I should assume, a non-controversial measure. The whole object of this Bill is to make the provision of section 10C applicable to the decrees of the High Court so as to include the High Court in all its jurisdiction within the category of civil courts as contemplated by the Court of Wards Act.

Sir, till the judgment of the Special Bench of the High Court was delivered sometime in the beginning of March this year, it was not known either to Government or to the creditors that section 10C of the Court of Wards Act did not apply to the decrees of the High Court. In view of the decision of the High Court, it was necessary to promulgate an ordinance shortly after the prorogation of the Legislature, and now it is my privilege to introduce this Bill for placing the ordinance on the statute book as is necessary under the Government of India Act. This is the object of this Bill.

Mr. SYED JALALUDDIN HASHEMY: Sir, Mr. Sasanka Sekhar Sanyal will speak on our behalf.

Mr. SASANKA SEKHAR SANYAL: Sir, shall I speak now or after the recess? There is also a point of order.

Mr. SPEAKER: You move your motion now and you will speak after the recess.

Mr. SASANKA SEKHAR SANYAL: Sir, I beg to move that the Bengal Court of Wards (Amendment) Bill, 1941, be circulated for the purpose of eliciting opinion thereon.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. SASANKA SEKHAR SANYAL: Sir, before I proceed to deal with the specific motion that stands in my name, I would very humbly make a few submissions on the question of order. Sir, the proposed amendment by the Hon'ble Revenue Minister does not merely

attempt at an extension of the definition of civil courts by including the High Court within the operations of the main Act, namely, the Court of Wards Act. It also specifically curtails the power of the High Court and I submit that to that extent it is *ultra vires* of this Legislature.

Sir, in this connection instead of using my own phrases, I would invite your attention to the reported case of Narshinghdas Tansukdas *versus* Chogemull reported in 43 Calcutta Weekly Notes. There a similar, I should rather say, the same question came up for decision before their Lordships in connection with the definition of civil courts within the meaning of the Agricultural Debtors Act. Two questions arose there. One was whether the expression "civil courts" includes the High Court and the second question which also was raised and decided specifically was, even if the expression "civil courts" is extended to the High Court, whether the Provincial or even the Central Legislature had any jurisdiction or authority to affect the composition and the jurisdiction of the High Court. Now, Sir, I would just refer to a few passages in the observations of the different Judges. Originally it was a Special Bench composed of three Judges but as the matter was very knotty, it was extended to a larger Bench of five Judges. The present Chief Justice was also one of the Judges there. The first observation of the Chief Justice Sir Harold Derbyshire is after quoting Lord Campbell in the case of Balfour *versus* Malcolm, "there can be no doubt that the principle is that the jurisdiction of the Supreme Courts can only be taken away by positive and clear enactments in an Act of Parliament", for the Act of Parliament, the proper authority should be substituted so far as Indian conditions are concerned. Then the matter was further discussed *in extenso* and the cutting expression comes from Justice Bartley which you will find at the bottom of the first column of page 625—"It would follow then that any provision in a local Act which purported to affect the jurisdiction of the High Court would be *ultra vires* of the powers of the Legislature"—and if you would be good enough to go further ahead at pages 626 and 627, you will see that the observations of Justice Nasim Ali are also to the same effect. There it is said—I don't propose to read out all the portions but only the last portion—"In my opinion the local Legislature can make laws regarding the High Court provided such laws do not affect the jurisdiction, powers and authority of the High Court vested in it by the previous Acts of Parliament which were confirmed by section 106 of the Government of India Act, 1935".

My position in a nut-shell is this that the High Court derives its authority from the Letters Patent and the Royal Charter and unless specific powers are given to the local Legislature enabling the latter to control or modify the powers vested in the High Court by provisions of the Royal Charter and the Letters Patent, I submit those powers

cannot be grabbed. That is my point of view and I hope the Hon'ble Revenue Minister will give proper attention to this question so that ultimately this Legislature is not faced with a scandalous position that the High Court or the Federal Court will say that this amendment is *ultra vires*. Here on the floor of the House as good sportsmen, we are certainly willing to differ from one another, but in one matter we must certainly be unanimous, namely, that we must not pass hastily any legislation which in the wisdom of other forensic functionaries may be held to be *ultra vires* and silly and so I would appeal to the Hon'ble Revenue Minister through you, Sir, to consider the question from that point of view.

Coming to the merits of the whole matter, the Hon'ble Revenue Minister in reply to a question put by Mr. Surendra Nath Biswas to-day regarding the precedent of a previous Government in the matter of extending relief to the suffering people, retorted in a cavalier way by saying that this Government has got its own precedent. I fully agree, and very cordially too, this Cabinet has got precedents unto itself which are unrivalled in the history of legislation of this poor India having a variegated history. For example, this Cabinet has introduced the motto that relief like charity must begin at home and legislative measures, before they are helpful to the masses, must be helpful to the people who constitute the worthy Cabinet who are deciding the fates of the teeming millions of this unfortunate province. For example, we have got the instance of one Minister who had some interest at stake somewhere. Therefore the Bengal Agricultural Debtors Rules had to be kept in abeyance regarding the maximum that could be determined by Debt Conciliation Boards. When that crisis was over, the Cabinet framed the rules in a merry fashion with full wisdom and solemnity, so that they may apply to people outside. To-day, also Sir, the Cabinet has just begun at the top. You know the vast majority of people are tenants. The tenants are represented by landlords. The landlords are represented by favourite ones who can get into the favour of the Courts of Wards. The Court of Wards landlords are also worthily represented in the Cabinet. Therefore instead of going to the bottom of the needs of the people it is better to begin at the top and therefore, Sir, this legislation has been attempted, so that the relief given to the Minister concerned will also be relief to the landlords and also incidentally be relief to the tenants at large whom they represent. This is a precedent which is a precedent unto this Cabinet itself and there is no parallel in this country and I do not know whether there is any parallel elsewhere. We on this side of the House strongly oppose the passage of this amendment. The reason is not far to seek. You know, Sir, that a sitting of the Legislature requires some money from the public exchequer and we are not going to be a party to the adoption of a legislative measure at the cost of the public exchequer which benefits only one man, however high

he may be, even if he be a limb of the Cabinet. It does not matter whether Maharaja Srischandra Nandy has got to part with Rs. 6,000 or Rs. 7,000. It may be a hardship to him. But there are other hardships in plenty all around us. There are more real hardships——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Before my friend continues on that point, may I just interrupt and tell him that Maharaja Srischandra Nandy is not at all interested in this question?

Mr. SASANKA SEKHAR SANYAL: It is said in the Statement of Objects and Reasons "The High Court of Calcutta at the hearing by a Special Bench of the case of Ananth Nath Bose *versus* Maharaja Srischandra Nandy decided on the 4th of March, 1941, that section 10C of the Court of Wards Act, 1879, had no application to the High Court..... The effect of this decision has been to take away all protection from the Wards Estate .. ." I am glad to hear that this legislation is not in the interest of Maharaja Srischandra Nandy.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not in the interest of Maharaja Srischandra Nandy.

Mr. SASANKA SEKHAR SANYAL: Even the Hon'ble Revenue Minister is not able to reply to the charge of indecency of this legislative proposal. Therefore he stands up when I mentioned the name of Maharaja Srischandra Nandy. Sir, it is no pleasure to me to make any sarcastic criticism upon Maharaja Srischandra Nandy who, in his private capacity, is certainly much dearer to me than he is to my friend Sir Bijoy Prasad Singh Roy. But then facts have got to be faced squarely and fairly and openly. It is no use mincing matters. This question of interpretation of civil courts came up before their Lordships' times without number, but Bengal Government did not come in a hurry either to get an Ordinance or to have a legislative measure. Even if you are indecent, be frank in your indecency. It is no use playing hide and seek simply because you want to protect the interests of a Minister. It had been adversely commended upon by their Lordships and therefore you are coming here in order to undo the effect of the decision because according to the Revenue Minister as disclosed in the Statement of Objects and Reasons this decision of the High Court frustrates the object for which the Legislature enacted section 10C of the Court of Wards Act, 1879, in 1936.

Well, Sir, if the party were any landlord under the Court of Wards other than a Minister of the Cabinet, there would not have been this indecent hurry for a legislation of this nature. Sir, I submit there are plenty of other things to be looked into; for example, if an amendment is really necessary in order to get the advantage of the decisions

of the High Court, the Money-lenders Act is a more genuine case in point. We know to our great dismay that in the High Court and in the lower courts interpretation of the Money-lenders Act is made in such a way that in many cases it frustrates the objects for which we adopted that legislation. There are plenty of such instances of which the Judicial Department is fully aware. Why then, I ask, does the Government come here in a hurry to get this legislative measure passed? Is it because Government wants to amend certain sections upon which the High Court has made very critical and adverse comments? I doubt whether that was the spirit which actuated Government to bring forward this Bill. This Bill has been brought forward in the interest of a particular Minister of the Bengal Cabinet. After all, millions may suffer but a Minister cannot. To say the least of it, the way in which this legislative measure has been brought in is indecent, shady and unseemly. After all, we have no objection to helping a Minister, even a Minister of the Bengal Cabinet, but then let him take all advantage by virtue of the adoption of general legislative measures. It is well known that many of the Ministers have been saved by the passing of the Money-lenders Act. We do not grudge them that benefit because while they have been saved, many other millions of men have also been saved. But this Bill is intended merely for the protection of one particular Minister of the Cabinet from a particular decision of the Hon'ble the High Court, and I submit that the spending of money from the public exchequer in this way cannot be at all supported.

Mr. Speaker, Sir, I know that we will not get any support from the other side of the House to our motion. They know that they have been misled in giving their support to legislative measures which do not serve the cause of their constituents: they have been led by the Cabinet blindfoldedly. Sir, my friends of the Coalition Party may agree to be driven blindfoldedly, but we must continue to represent the cause of the people, voice their protests here and oppose the passage of this Bill by all means.

Mr. H. R. NORTON: Mr. Speaker, Sir, I have a few words to say on this particular Bill, but my party do not propose to oppose the Bill but would ask the Government to again consider the arguments we put forward in 1936 when the Bengal Court of Wards (Amendment) Act was passed.

We then and we do again reiterate the hardships that section 100 causes to the creditors and we consider that as Government were taking powers on behalf of the Court of Wards to the disadvantage of creditors, it should accept responsibility for safeguarding the creditors' interests when such powers fail to attain their objective, for I should think that

the creditors' claims would be barred in courts after the four-year moratorium if Government decides to give up an estate unless it is a decree secured before the estate was taken over.

Four years is a long time to wait for no payment against any debt and a further seven years in which only interest may be paid doubles the creditors' hardships.

Now the Government wants, by this amending Act, to take away any chance that the creditors may have of realising their High Court decrees, obtained against any estates that have been taken over or will be taken over by the Court of Wards in the future: is this fair? It may seem so to Government who has decided to take over in order to protect the proprietor against bankruptcy and ruin, and this shows that while Government is in entire sympathy with the debtor and his deplorable state of not being able to pay, it has no sympathy whatever with the creditor, who by this Act has to wait for four years without any payment and then for the next seven he may only get interest paid at 4½ per cent., and then at the end of 11 years what happens if Government decides to give up the estate because it cannot pull it round: yet Government says this Act is equal for both the debtor and the creditor.

We would most seriously ask Government to reconsider the first period of the moratorium, that is, four years and reduce this to three, when the case should be reviewed and Government should arrive at a decision as to whether the estate can be saved sufficiently as to satisfy the creditors: if they find they cannot save the estate, then it will give the creditors time to file a suit and try to realise the amounts due on their own initiative.

Economic depression is felt by others as well as landed proprietors and this was named in 1936 as the reason for Government fixing a moratorium of four years and a further seven years with the option of paying interest on the decree only and the creditors were left out of account. It does not matter to the Government if these firms have financial difficulties during this period, through the Government action of withholding payments if they consider fit for eleven years in all, and during this period the owner of the estate under the Court of Wards is enjoying a liberal allowance and no worries—all the worry is on other people's shoulders—but not so the creditors; they have to shoulder their own.

In the event of Government not being prepared to reduce the period of the moratorium, will they compromise by reviewing each doubtful case at the end of four years, and if they are of the opinion that they cannot save the estate, then give to all creditors three months' notice of this so that they can make their own arrangements to realise their dues before the estate is handed over to its owners; though I still submit

that three years is quite long enough for Government to ascertain whether an estate is one to be kept or released, especially as they now want High Court decrees barred.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment moved by Mr. Sasanka Sekhar Sanyal. First of all, he has raised a point of order and has challenged the jurisdiction of this Legislature to legislate on a subject affecting a certain decree of the High Court. His point is that this Bill not only includes the High Court within the definition of the safeguards as contemplated by the Court of Wards Act, but it curtails the jurisdiction of the High Court. And in this connection he referred to a decision which I could not exactly follow. To that my reply is that this Legislature has already passed several statutes affecting the jurisdiction of the High Court, and that is one of the privileges conferred to this Legislature by the Government of India Act of 1935—a privilege which the Bengal Legislature did not enjoy before.

Mr. SPEAKER: May I at once say in order to cut short the debate on that point that the position as contained in the Government of India Act with reference to the High Court is this: so long as a subject-matter is within the competence of this Legislature, it has jurisdiction over every court including the High Court subject to the specific provisions to the contrary contained in the Government of India Act. Therefore, so far as the competence of this Legislature is concerned, every matter within its competency unless anything is specifically provided for in the Government of India Act is within the scope of this Legislature.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Then, Sir, Mr. Sanyal alleges that this legislation is meant for the benefit of one particular individual who happens to be a member of the Bengal Cabinet. I repudiate that suggestion, Sir. This legislation is not meant to benefit any member of Government—I can assure him on that point. It is only accidental that Government's attention has been drawn to this lacuna in the existing Act by the judgment in a particular case in which a member of the Cabinet happened to be the respondent. That is the position.

Sir, the object of amending the Act is not to give protection to a particular individual but to give protection to all estates under the Court of Wards. There are many estates under the Court of Wards against whom decrees are pending in the High Court and the creditors as well as Government were not aware of the legal position, as has been made clear by the judgment referred to in the Statement of Objects

and Reasons. If the creditors had taken that view I am perfectly certain they would have executed some of these decrees long ago and many of the estates would have been sold out.

Now, Sir, what is the object of the Court of Wards administration? The Court of Wards administration is not merely to give protection to a particular proprietor of an estate but to safeguard Government revenue, to safeguard public interest. The whole basis of the Court of Wards administration is to safeguard public interests and what are the public interests? Now, take for instance a big estate having a large number of tenures and sub-tenures under it is sold in a revenue sale. If the estate is given protection of the Court of Wards, it is not liable to sale for default of revenue, but if an estate is sold for default of revenue otherwise, then not only the proprietor loses his property but the tenures and sub-tenures become liable to annulment. So that may bring about a serious disturbance and upsetting of economic equilibrium in rural Bengal. My friends here who are intimately connected with the rural life of the province are no doubt aware that thousands, nay millions, of people are interested in tenures and under-tenures and if, because of the sale of the parent estate on account of default of revenue, those tenures and under-tenures become liable to annulment, thousands of people will become impoverished. That is the public object of the Court of Wards' protection. The Court of Wards' protection is given to estates not merely in the interests of a particular proprietor; it is given mainly on three grounds: first, in the interests of Government revenue; secondly, in the interests of the subordinate tenure-holders whose interests are likely to be affected by the sale of the superior interest, and, thirdly, there may be valuable endowments, large charities which will suffer if the estate is sold off or disintegrates. These are the main reasons why Court of Wards' protection is given to zemindars.

Now, referring to the point raised by my friend Mr. Norton, that is, why should not Government reduce the period of first moratorium from 4 to 3 years, I will just venture to remind him of the fact that when the Bill was originally introduced in the Legislature in 1936 by the then Revenue Member, Sir Brojendralal Mitter, the period of first moratorium was 5 years, but as a matter of compromise in the Select Committee it was reduced to 4 years. A big estate may have properties in different districts, in different subdivisions of the province coming under the Court of Wards. It is not possible for Government to find out what are the assets, what are the liabilities, how the scheme can be framed and naturally some time elapses before Government can actually take up the working of the scheme in right earnest and that is why the period was put at 4 years—originally at 5 years—and then by way of compromise it was reduced to 4 years. Sir, I may assure my friend that the Court of Wards make every attempt to pay off the creditors as soon as possible. They fully realise the danger of allowing

arrears to accumulate. As the object of the Court of Wards' administration is to liquidate the debts as quickly as possible, if they allow debts to accumulate, ultimately they may amount to a figure which may be beyond the capacity of the estate to pay. So a reduction of one year in the first period of moratorium will certainly handicap Government very much in administering the estate. But I can give this much assurance to my friend Mr. Norton through you, Sir, that the Court of Wards do see at present and they will further see in future that payment of no debt is unduly deferred, because the first moratorium gives us the opportunity to find out whether Government will be in a position to liquidate the debts of any estate at all and that requires a little time. Three years is often very short.

With these few words I oppose the amendment and in conclusion I would again repeat that the remarks made by Mr. Sanyal were under very serious misapprehensions and I regret it very much that sober and staid as he is, he pursued that point in spite of my pointing out to him that the Maharaja of Cossimbazar was not interested in this matter.

Mr. SASANKA SEKHAR SANYAL: Sir, I had no mind to hurt anybody. I simply discussed the matter on the merit of it and on the face of it.

The motion of Mr. Sasanka Sekhar Sanyal that the Bengal Court of Wards (Amendment) Bill, 1941, be circulated for the purpose of eliciting opinion thereon, was then put and lost.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bengal Court of Wards (Amendment) Bill, 1941, be taken into consideration was then put and agreed to

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clauses 2 and 3.

The question that clauses 2 and 3 stand part of the Bill was then put and agreed to.

Clause 4

The question that clause 4 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Court of Wards (Amendment) Bill, 1941, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The St. Thomas' School (Amendment) Bill, 1941.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to introduce the St. Thomas' School (Amendment) Bill, 1941.

The Secretary then read out the short title of the Bill.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the said Bill be taken into consideration.

The motion was then put and agreed to.

Clause 1

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed to

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I beg to move that the St. Thomas' School (Amendment) Bill, 1941, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned at 7-40 p.m. till 4-45 p.m. on Friday, the 1st August, 1941, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 1st August, 1941, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 8 Hon'ble Ministers and 198 members.

Mrs. HASINA MURSHED: Sir, may I know what question will be taken up first to-day?

Mr. SPEAKER: Questions are not being taken up now.

Oath.

Mr. H. R. Hodge took his oath of allegiance to the Crown.

STARRED QUESTIONS

(to which oral answers were given)

Mrs. HASINA MURSHED: As the Hon'ble Nawab Bahadur is away, may I answer the questions relating to his department?

Mr. SPEAKER: Yes.

Nomination to the Chittagong District Board and Municipality.

***18. Mr. MD. ABUL FAZL:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether he has received a copy of the resolution passed recently by the Executive Committee of the Chittagong Muslim League regarding nomination of any member of the Provincial Legislatures to the Chittagong District Board and Municipality; and

(*ii*) when the election to the Chittagong District Board and Municipality was held?

(*b*) Will the Hon'ble Minister be pleased to state when members to the Chittagong District Board and Municipality are likely to be nominated?

(*c*) Will the Hon'ble Minister be pleased to state the reason for the delay in making nominations to the District Board and the Municipality?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) Yes.

(*ii*) In November, 1940.

(*b*) and (*c*) The names of the appointed Commissioners of the Chittagong Municipality were published in the *Calcutta Gazette* of the 26th June, 1941.

As regards the appointment of members of the Chittagong District Board, a reference has been made to the local officers and the necessary order of Government will be issued on receipt of their reply.

Election to Chittagong District Board.

***19. Maulvi AZHAR ALI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) when did the election to the Chittagong District Board take place;

(*b*) when was the result of the election declared;

(*c*) how many election petitions were filed before the—

(1) Divisional Commissioner,

(2) District Magistrate, and

(3) Civil Courts;

(*d*) the date when each petition was filed;

(*e*) the names of members against whom these petitions were filed;

(*f*) how and when was each of these election petitions disposed of;

(*g*) how many are still pending before the—

(1) Civil Court,

(2) District Magistrate, and

(3) Divisional Commissioner; and

(*h*) when will nominations to the Chittagong District Board take place?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) On the 25th, 27th and 30th November, 1940.

(*b*) In the constituencies in which the election was contested, the results were declared on different dates between the 3rd and 9th December, 1940.

(*c*), (*d*), (*e*) and (*g*) Four statements are laid on the Table.

(*f*) The petitioners were informed by the local officers that neither the Divisional Commissioner nor the District Magistrate had the power to decide the disputes and that the only legal remedy appeared to lie in the Civil Court.

(*h*) A reference has been made to the local officers in the matter. Necessary orders regarding appointment of members of the District Board will be issued on receipt of their reply.

Statement referred to in reply to clause (c) of starred question No. 19.

(1) Three.

(2) Six.

(3) Two.

Statement referred to in reply to clause (d) of starred question No. 19.

Name of petitioner.	Date of filing petition.
(1) Before the Commissioner, Chittagong Division—	
Khan Sahib Haji Miah Khan Sawdagar ...	25-10-40
Tayabulla Sawdagar ...	12-12-40
Forak Ahmed Chaudhuri and 3 others ...	12-12-40
(2) Before District Magistrate—	
Babu Rasik Chandra Hazari and 2 others ..	17-12-40
Maulvi Abdul Latif, B.L. ...	19-12-40
Nur Ahmed and 2 others ...	19-12-40
M. Abu Md. Hossain ...	18-12-40
Abdul Karim and 3 others ...	19-12-40
M. Serazul Hoque Choudhury ...	11-12-40
(3) Before the Civil Court—	
Bacha Meah Choudhury ...	20-12-40
Khan Sahib Haji Mean Khan Sawdagar ...	2-1-41

Statement referred to in reply to clause (e) of starred question No. 19.

(1) Before the Commissioner, Chittagong Division—
Mr. Anwarul Azim, Bar.-at-Law.
Mr. Ashraf Ali Choudhuri.
Khan Bahadur Khalilur Rahaman.

(2) Before the District Magistrate, Chittagong—
Rai T. K. Ghosh Bahadur.
Dr. Sanaullah.
M. Ala Meah.
M. Saleh Ahmed Chaudhuri.
Maulvi Siddique Ahmed, B.L.

(3) Before the Civil Court—
Haji Yar Ali Chaudhuri and the Province of Bengal.
Mr. Anwarul Aziz, Bar.-at-Law.

Statement referred to in reply to clause (g) of starred question No. 19.

(1) Two.
(2) Nil.
(3) Nil.

Recording of jute-growing lands.

***20. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the Table a statement showing district by district the total acreage of land in which jute was cultivated during the year 1938-39 and 1939-40 as obtained by the recent survey for the purpose of restriction?

(*b*) Is the Hon'ble Minister aware that a large number of cases for relief against wrong and inaccurate recording of jute-growing lands have been filed in different districts before the Jute Committees and the District Magistrates from the 1st November, 1940, to 31st January, 1941?

(*c*) If so, will the Hon'ble Minister be pleased to state the number of such cases—

(*i*) filed; and

(*ii*) disposed of in the Province from the 1st November, 1940, to 31st January, 1941?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) A statement is laid on the Table.

(*b*) A very large number of petitions were filed during the period mentioned before the Jute Committees and before the competent officers of the Jute Regulation Department for correction of the entries in the record on various grounds.

Petitions may also have been filed before District Magistrates for the same purpose but during the period in question District Magistrates had no powers under the Act to entertain petitions for correction of the record. Since the Jute Regulation (Amendment) Act, 1940, came into force on 2nd July, 1941, Collectors now may deal with such cases.

(*c*) The number of petitions filed before the various authorities was very large and the collection of the information asked for in this part of the question would involve an amount of time and labour which would not, in Government's view, be justified.

Statement referred to in reply to starred question No. 20.

Division.	District.	Total Jute Acreage.
1	2	3
Burdwan ..	(1) Howrah ..	15,635·15
	(2) Hooghly ..	62,100·06
	(3) Burdwan ..	19,833·44
	(4) Birbhum ..	527·30
	(5) Midnapore ..	24,412·88
	(6) Bankura ..	430·09
	Total ..	122,938·92
2. Presidency ..	(1) 24-Parganas ..	80,772·76
	(2) Jessore ..	241,676·89
	(3) Khulna ..	81,384·02
	(4) Nadia ..	168,157·37
	(5) Murshidabad ..	116,295·07
	Total ..	688,286·11

Division.	District.	Total Jute Acreage.
	2	3
3. Dacca ..	(1) Dacca ..	435,375·76
	(2) Mymensingh ..	991,912·51
	(3) Barisal ..	127,862·24
	(4) Faridpur ..	392,000·00
	Total ..	1,947,150·51
4. Chittagong ..	(1) Chittagong ..	890·60
	(2) Noakhali ..	116,486·70
	(3) Tippera ..	449,320·07
	Total ..	566,697·37
5. Rajshahi ..	(1) Rajshahi ..	215,140·66
	(2) Pabna ..	224,747·56
	(3) Bogra ..	173,671·03
	(4) Malda ..	91,901·89
	(5) Dinajpur ..	215,855·29
	(6) Rangpur ..	586,641·14
	(7) Jalpaiguri ..	100,393·29
	(8) Siliguri ..	5,436·16
	Total ..	1,613,787·02
	Grand Total ..	4,938,859·93

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*), will the Hon'ble Minister be pleased to give us some approximate idea of the number of cases that had been filed in various districts?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir. I have no such idea, but it is a very large number.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the Government is contemplating to bring a Jute Regulation (Amendment) Bill about giving powers to the Union Jute Committees about correction and other things?

Mr. SPEAKER: I am afraid that question does not arise.

Mr. CHARU CHANDRA ROY: That question comes in this way that in answer (*b*) it has been stated that "a very large number of petitions were filed during the period mentioned before the Jute Committees and before the competent officers". Are not jute committees competent?

Mr. SPEAKER: That question does not arise.

Arrear pay and pension of crews of Sandwip and Hatiya killed during the War.

*21. **Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state the number of crew hailing from the islands of Sandwip and Hatiya in the district of Noakhali that have been killed by enemy action during this present War?

(*b*) Is the Hon'ble Minister aware of the provision the Government of India have made for the maintenance of their dependents?

(*c*) Is the Hon'ble Minister aware that there has been delay in paying up the arrear salaries of the crew killed and remitting allowances or pensions to their dependents?

(*d*) If the answer to (*c*) is in the affirmative, is the Hon'ble Minister considering the desirability of approaching the proper authorities to ensure early payment of the arrear salaries and pensions?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The Provincial Government have no information on the subject. The next of kin are always informed direct of any casualties.

(*b*) The Government of India have already adopted a scheme of compensation for war injuries received by seamen.

(*c*) The matter concerns the Government of India, and it is believed that they are taking all necessary steps to prevent delays. Enquiries are made by the Shipping Master and instructions have been issued to local officers to deal with any reference made to them with all possible despatch.

(*d*) Does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*c*), will the Hon'ble Minister be pleased to state what is the information on the basis of which he says "it is believed that they are taking all necessary steps to prevent delays" in payment of these allowances?

The Hon'ble Mr. H. S. SUHRAWARDY: We have certain information at our disposal, but generally speaking this is based upon the fact that we have referred from time to time to the Government of India and to the Shipping Master and we have been informed by the Government of India that they are taking steps.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to lay that information on the table for information of the members?

The Hon'ble Mr. H. S. SUHRAWARDY: This arises out of correspondence between the Government of Bengal and the Government of India and I am not prepared to lay that on the table.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*a*), will the Hon'ble Minister be pleased to state as to whether the Government of Bengal tried to ascertain from the Government of India the number of such crews from the district of Noakhali—Hatiya and Sandwip—who have been killed by enemy action during the present war?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. Had I got such an information from the Government of India, Government would have been pleased to supply it to the House.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to ascertain this from the Government of India and place it before the House?

The Hon'ble Mr. H. S. SUHRAWARDY: I can have a try if the House so wishes, but I cannot guarantee whether the Government of India will give such information.

Navigation in Dhulleswary river.

*22. **Khan Bahadur AULAD HOSSAIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that steamers and motor launch cannot ply between Fulberia and Manikganj for shallowness of the Dhulleswary river;

(*ii*) that even big boats cannot ply in Dhulleswary river; and

(*iii*) that this causes inconvenience to the people in the matter of communication and transport?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what step the Government propose to take in the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) and (*ii*) Yes, during the driest part of the year.

(*iii*) Yes.

(*b*) This river is full of shoals and has to be trained every year with a view to maintain a navigable depth; but in years of draught the shoals in the channel cannot be sufficiently scoured.

This condition of the Dhulleswary has been persisting for a very long time; and in recent years it has been aggravated by the fact that the Bethua which is a spill channel of this river is taking away a larger volume of water. The experts of this department are considering how to get a bigger dry weather flow into the Dhulleswary.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether only consideration is being made or any department has been opened for this Dhulleswary river?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I had occasion to inform the House during the budget debate, we are attempting in co-operation with the Assam Government to have a River Commission to take up necessary measures within the catchment basins of the Jamuna and Brahmaputra with the object of reducing the silt discharge and increasing the dry water flow. I do not think that there is any quick and ready method which can solve the problem.

Mr. CHARU CHANDRA ROY: From Patal Station to Manickganj the steamers can ply, but after Manickganj even big boats cannot ply. Our main question is about the Dhulleswary. It gets water from the river Jamuna but we want that anyhow some sort of arrangement ought to be made so that steamers, motor launches and big boats can ply throughout the year from Manickganj to Dacca.

Mr. SPEAKER: I am afraid that is no question.

Conditions of rivers Punarbhava and Atrai.

*23. **Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that a few years back Punarbhava and Atrai rivers were the main waterways in the district of Dinajpur;

(*ii*) that they remained navigable all throughout the year being the main sources of irrigation to those whose lands lay on both sides of them; and

(*iii*) that both the rivers are gradually being silted up?

(*b*) If the answer to (*a*) is in the affirmative will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) and (*iii*) No.

(*ii*) No. They are navigable during the rains only.

(*b*) The feasibility of improving these rivers will be examined after the completion of the contour survey which has been undertaken with the object of gaining an intimate knowledge of the country and flood levels.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if by his answer to (*a*) (*i*) and (*iii*) he means that he is not aware of the fact mentioned in those questions or the facts are not known.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: What I meant by my replying in the negative was that my honourable friend was not quite correct in his statement. That is to say, that the two rivers in question were not the main waterways of the district "a few years back" as he has stated. As a matter of fact if he is referring to the avulsion of the feeder river that took place a century and a half back, *i.e.*, in 1787; that cannot certainly be considered to be "a few years ago".

Mr. NISHITHA NATH KUNDU: Are not these two rivers silting up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have just now stated having completely been cut off from its parent supply and having to depend entirely on local rainfall, necessarily the supply has diminished, but from what I have stated in reply to (*b*) it will appear that they are still navigable during the rainy season only.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister kindly tell us when the contour survey regarding these two rivers is expected to be taken up in the Dinajpur district?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not quite sure but I believe Dinajpur district will be taken up very shortly.

Transfers of officers.

***24. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the recommendation of the Public Accounts Committee for 1937-38 disapproving frequent transfers of officers?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing from April, 1937, to June, 1941, how many times and when was the post of District Magistrate 24-Parganas, held by incumbents, who had been transferred before they were in that office for less than six months?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) A statement is laid on the Table.

Statement referred to in reply to clause (b) of starred question No. 24.

Name.	Period.	Remarks.
Mr. Herbert Graham, I.C.S.	13th November, 1935 to 30th April, 1937.	
Mr. M. O. Carter, I.C.S. ..	1st May, 1937 to 29th July, 1938.	
Mr. K. A. L. Hill, I.C.S. ..	30th July, 1938 to 8th May, 1940, and 7th July, 1940 to 7th April, 1941.	Mr. Hill was on leave from 9th May, 1940, to 6th July, 1940, during which Mr. S. C. Mazumdar, Additional District Magistrate officiated as District Magistrate.
Mr. E. G. Creek, I.C.S. ..	8th April, 1941 to 11th May, 1941.	
Mr. A. Hughes, I.C.S. ..	12th May, 1941 to 15th June, 1941.	
Mr. K. C. Basak, I.C.S. ..	16th June, 1941.	

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is the intention of Government to continue to stick to this policy of frequent transfers of officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the reasons for transferring three District Officers between 8th April and 16th June, 1941, from the district of 24-Parganas?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was unavoidable.

Mr. SANTOSH KUMAR BASU: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether four different officers have not held the post of Commissioner of the Presidency Division in the course of a year?

Mr. SPEAKER: That question does not arise.

Mr. SANTOSH KUMAR BASU: My question is with reference to question (*a*) disapproving frequent transfers of officers.

Mr. SPEAKER: The real issue is about District Magistrates.

Mr. SYED JALALUDDIN HASHEMY: What were the circumstances which led the Government to have recourse to such frequent transfers with regard to this particualr office?

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Basak was chosen to be the District Magistrate of 24-Parganas. He could not be relieved from the appointment where he was acting as Secretary in one of the departments of the Secretariat. We had to put in Mr. Creek who was then Additional District Magistrate. He combined both the posts of Magistrate and Additional Magistrate. In the meantime Mr. Creek was posted to another place (Pabna) as District Magistrate where a vacancy had occurred, and Mr. Basak could not be relieved because the man who was to take his place could not be relieved from another post. So, for a short period, Mr. Hughes was appointed there. Ultimately Mr. Basak who had already been chosen to be the District Magistrate of 24-Parganas came to be posted at Alipore.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister please tell us whether it is in the contemplation of Government to transfer Mr. K. C. Basak, I.C.S., in the near future?

Mr. SPEAKER: That question does not arise.

Grant-in-aid to rural dispensaries.

25. Khan Bahadur SHAH ABDUR RAUF: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that Government have refused to sanction any grant-in-aid to the rural dispensaries which have got capital grant from the Government of India Rural Development Funds?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(*c*) Is the Hon'ble Minister considering the desirability of giving grant-in-aid to such rural dispensaries?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) and (*b*) Yes. The reason why this Government were unable to make recurring annual grants to dispensaries which had received subsidies from the grant made by the Government of India is that it was made a condition by the Central Gvernment that no expenditure from Government revenues should be involved and that all the recurring expenditure should be found from local sources.

(*c*) The matter is under my active consideration.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*), may I enquire whether it is the desire of the Government that the authorities of the dispensaries concerned should submit their applications to the Hon'ble Minister for his active consideration?

Mrs. HASINA MURSHED: Under the Government of India Rules, the Government at the present moment cannot pay any recurring grant and the whole matter will be considered by the Hon'ble Minister.

Khan Bahadur SHAH ABDUR RAUF: Are Government aware that the dispensaries which are not in receipt of grants are in great financial difficulties?

Mrs. HASINA MURSHED: Government are not aware.

Mr. SYED JALALUDDIN HASHEMY: Will the Parliamentary Secretary be pleased to tell us the difference between active consideration and passive consideration?

Mr. SPEAKER: That question does not aries.

Test relief in Mymensingh.

***26. Maulvi MD. ISRAIL:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the amount sanctioned for the district of Mymensingh for test relief this year;

(*b*) the amount allotted for the subdivision of Kishoreganj above; and

(*c*) the rate and conditions laid down in the famine code for the employment of workers in the test relief?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Rs. 1,15,000 up to the 21st July, 1941.

(*b*) Rs. 38,000.

(*c*) The rates and terms and conditions for employment of workers on test relief work will be found in sections 134-136, 138-142, 144, 145, 167, 166, 168, 171-175, 62, 63 and 112 of the Famine Code, a copy of which is available in the Assembly Library.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the rules laid down in the Famine Code are suitable for the present time?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The rules of the Famine Code are wide enough and they can meet any situation.

Release of Babu Ambica Charan Chakravarty, a political prisoner.

***27. Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what was the recommendation of the Prisoners' Release Committee set up by the Government in 1939 regarding Babu Ambica Charan Chakravarty, a political prisoner now lodged in the Dum Dum Central Jail?

(*b*) Was the recommendation accepted by Government?

(*c*) Is it a fact that the said prisoner was medically examined in the Calcutta Medical College and was found to have been suffering from T.B., Diabetes and eye troubles?

(*d*) Is it a fact that early in 1940 the Government enquired of the said prisoner whether, if released, he was prepared to proceed to and stay in a sanatorium and the prisoner intimated his agreement to do the same?

(*e*) Is it a fact that since then neither the said prisoner has been released nor has any arrangement been made for his proper treatment?

(*f*) Is it a fact that a letter written by the said prisoner to his brother communicating the fact of his serious illness has been withheld?

(*g*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) I refer the honourable member to my answer to starred question No. 274 on the 13th September, 1940.

(*d*) At the end of 1939 he undertook to undergo treatment in a sanatorium but not to accept conditions of release.

(*e*) He is still in jail. He is receiving such treatment as is possible.

(*f*) No.

(*g*) He still declines to accept conditions and neither he nor any of his friends has approached me as regards the statement made by me in reply to a supplementary question by Rai Harendra Nath Chaudhuri arising out of starred question No. 274 on the 13th September, 1940, to which the honourable member's attention is invited.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to refer to part (*d*) of the question and state whether it is a fact or not that the Advisory Committee recommended his unconditional release?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the affirmative.

Rai HARENDRA NATH CHAUDHURI: With reference to this answer, will the Hon'ble Minister be pleased to state what has led the Government to impose conditions which the Advisory Committee thought fit to dispense with?

The Hon'ble Khwaja Sir NAZIMUDDIN: There were a few cases in which the Government did not accept entirely the recommendations of the Advisory Committee, and there were certain cases in which the Government were more liberal than the recommendations of the Advisory Committee.

Rai HARENDRA NATH CHAUDHURI: Was it a fact or not that the Advisory Committee recommended his unconditional release only on medical ground, having regard to the fact that he was suffering from a multiple of diseases like tuberculosis, diabetes and atrophy of the eye?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know what were the reasons that led the Committee to make their recommendations.

Rai HARENDRA NATH CHAUDHURI: The Hon'ble Minister has referred us to the answer he gave to starred question No. 274 on the 13th September. There he admitted that the Advisory Committee

recommended his release on medical grounds. And therefore having regard to the fact that the Advisory Committee recommended his release on medical grounds, is Government prepared to relax all the conditions except the condition relating to his treatment in a sanatorium?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot make my effort any more than I did last time when this question was put by the honourable member that we are prepared to let him go to any sanatorium outside the province if that can be arranged.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state, in view of the fact that the Government could not persuade the Punjab Government to receive him in a Punjab sanatorium, why the Government would not be prepared to arrange for his sanatorium treatment in Bengal nor would the Government be prepared to agree to his being treated in a sanatorium in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that if he accepts conditional release we are prepared to have him treated in a sanatorium in Bengal.

Rai HARENDRA NATH CHAUDHURI: Having regard to the fact that those conditions were dispensed with by the Advisory Committee, will not the Government in consideration of the serious state of his health be prepared to relax the other conditions and impose only one condition, namely, that he should proceed to a sanatorium and receive treatment there?

The Hon'ble Khwaja Sir NAZIMUDDIN: Actually at the present time, according to the latest report, the condition of his health is not so serious.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*c*) that he is receiving such treatment as is possible, will the Hon'ble Minister be pleased to state whether it is a fact or not that so far as his eye trouble is concerned—I mean the trouble of his remaining eye, because, I think, he has lost the vision of one of his eyes in his jail life—having regard to the fact that the trouble of his other eye has been considered by the experts of the Medical College to be a sufficient ground for putting him under special treatment—the Government is still prepared to hold the opinion that he receives such treatment as is possible?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, whatever treatment is possible is being given.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*g*) that nobody approached him and with reference to his answer to the supplementary question to starred question No. 274 on the 13th September to this effect: "If either the honourable member or the prisoner can arrange with any province to take him in a sanatorium, I would be prepared to reconsider the question", will the Government be prepared to state what are the other conditions he must satisfy if he is to be allowed to take treatment in a sanatorium within the province?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got any copy of these conditions with me. I ask for notice.

UNSTARRED QUESTION

(answers to which were laid on the table)

Collector Math in Rangpur town.

17. Mr. KSHETRA NATH SINCHA: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there is a plot of open land called Collector *Math* in the town of Rangpur;

(*ii*) that it is a khas land used for police parade and other recreation purposes;

(*iii*) that it is the only open field in the town of Rangpur; and

(*iv*) that recently the Rangpur Town Club has fenced it round in the middle with tin walls to the inconvenience of the public?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposed to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) to (*iii*) Yes.

(*iv*) No; the Rangpur Town Club which uses for their play ground only about 2½ acres out of a total area of 32 acres, fenced the play ground in 1936 with the permission of the then Collector. No inconvenience is caused to the public by such fencing as there is an extensive plot of open land round the enclosure to serve the purposes of play grounds and recreation grounds for the public.

(*b*) Government do not consider it necessary to take any action for the removal of the enclosures as the enclosures provide a very convenient piece of ground for continuous play of cricket, hockey and football according to the season and for charity matches. The enclosed ground is also used as a Ladies' Park in the forenoon.

High rate of interest on arrear rents in the Court of Wards estate in Patiladaha Pargana.

18. Mr. FAZLUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the estate of Patiladaha Pargana is under the management of Court of Wards?

(*b*) Is it a fact that the interest on arrear rent is realised by Court of Wards at the rate of 18¾ per cent. per annum?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

Recovery of costs by certificate procedure and of education cess in distressed areas of Dinajpur.

19. Mr. NISHITHA NATH KUNDU: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that economic distress is prevailing in a large area of the Dinajpur district?

(*b*) If so, is the Hon'ble Minister considering the desirability of stopping—

(*i*) the issue of certificate for realisation of recovery costs; and

(*ii*) the realisation of education cess in such areas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) There was some amount of distress in parts of the district due to partial failure of crops.

(*b*) (*i*) No coercive measures are being taken now for the realisation of such costs.

(*ii*) Education cess has not been imposed in this district.

Mr. NISHITHA NATH KUNDU: With reference to answer (*a*), does the Hon'ble Minister intend to say that there is no distress at present prevailing in some parts of Dinajpur?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I have already said, there was some amount of distress due to partial failure of crops.

Mr. NISHITHA NATH KUNDU: With reference to answer (*b*)(*i*), namely, no coercive measures are being taken now for the realisation of such costs, does the Hon'ble Minister mean to say that no certificate proceedings are being taken up against the defaulting persons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, certificates are not being executed.

Increase in the number of Scheduled Caste officers in Provincial Forest Service of Bengal.

20. Mr. UPENDRA NATH EDBAR: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*i*) the present number of—

(*1*) Bengalee Caste Hindu,

(*2*) Muslim, and

(*3*) Scheduled Caste,

officers in the Provincial Forest Service in the Province of Bengal; and

(*ii*) the names of officers with their respective caste appointed by promotion from—

(*1*) untrained foresters,

(*2*) Kurseong trained foresters, and

(*3*) Dehra Dun trained rangers (from D.D.R.), (from D.D.L.S.) and (from D.D.R. with honours); and

(*iii*) the number of them appointed by direct recruitment?

(*b*) If the number of Scheduled Caste officers in the rank are very small in the Province, what steps do the Government contemplate taking for increasing the number of such officers?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) A statement is laid on the Table.

(*b*) The member is requested to refer to the reply given to clause (*b*) of starred question No. 293 in the September, 1940, session of the Assembly which furnishes the required information.

Statement referred to in reply to clause (a) of unstarred question No. 20, showing the present number of Bengalee Caste Hindu, Muslim and Scheduled Caste officers in the Provincial Forest Service employed in Bengal and the names of officers with their respective caste appointed by promotion and the number appointed by direct recruitment.

Bengal Forest Service—

(*i*) Present number of—

(*1*) Bengalee Caste Hindus—10.

(*2*) Muslims—3.

(*3*) Scheduled Castes—Nil.

(*ii*) Names of officers with their respective castes appointed by promotion from—

(*1*) Untrained foresters—Nil.

(*2*) Kurseong trained foresters—

Mr. B. N. Roy—Hindu (Kayastha).

Mr. R. Ahmed—Muslim.

(*3*) Dehra Dun trained rangers—

From D.D.R.—

Mr. S. Sikling—Hillman (Christian).

Mr. S. C. Basu—Hindu (Kayastha).

Mr. S. C. Chatterjee—Hindu (Brahmin).

Mr. R. L. Acharya—Hindu (Brahmin).

From D.D.I.S.—Nil.

From D.D.R. (Honours)—Nil.

(*iii*) Number of them appointed by direct recruitment—8.

Babu MADHUSUDAN SARKAR: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to state when these appointments were made?

Mr. SPEAKER: You can find that out from the Civil List: the date of appointment of a provincial officer appears in the Civil List.

Babu MADHUSUDAN SARKAR: In view of the total absence of scheduled caste men in the cadre, will the Hon'ble Minister be pleased to state whether Government think it desirable to consider the case of the scheduled castes when making future appointments?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Government will be quite prepared to consider that.

Ward Master in Emergency Ward of Medical College Hospitals, Calcutta.

21. Mr. ATUL KRISHNA GHOSE: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that for want of a Ward Master just at the front of the Emergency Ward of the Calcutta Medical College Hospital patients are put to hardship?

(*b*) If so, is the Hon'ble Minister considering the desirability of placing a Ward Master at the front of the Emergency Ward?

Mrs. HASINA MURSHED (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) No. The difficulty as separately pointed out by the honourable member is reported to be due to the paucity of sufficient number of stretcher bearers. The matter will be enquired into.

(*b*) No.

Mr. ATUL KRISHNA GHOSE: Will the Parliamentary Under-Secretary be pleased to state whether an enquiry was actually made?

Mrs. HASINA MURSHED: Yes, an enquiry was made.

Mr. ATUL KRISHNA GHOSE: What were the findings of that enquiry?

Mrs. HASINA MURSHED: In the opinion of Government, the difficulty, referred to, was not due to the paucity of Ward Masters but it was due to the paucity of stretcher-bearers. The whole matter is receiving the consideration of Government.

Government Agricultural Demonstration Farm at Kalimpong.

22. Mr. W. C. PATTON: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state with respect to the Government Agricultural Demonstration Farm at Kalimpong—

(*a*) the acreage under cultivation;

(*b*) the description of the cereals and other crops grown there;

(*c*) how the distribution of the crop harvested with particular reference to maize, stating whether it is supplied free, to whom supplied and for what purpose;

(*d*) the amount of maize crop harvested per annum, per acre, and where the original seed was obtained from;

(*e*) what steps, if any, have been taken to improve the cultivators' crops by distribution of seed free or otherwise; and

(*f*) what benefit the cultivators in the Darjeeling district are receiving from the maize seed produced annually in large quantities at the farm?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) 64 acres.

(*b*) Maize, *aman* paddy, *marwa*, *kalai dal*, *mashyem kalai*, soyabean, wheat, flax, sugarcane, Napier grass, vegetables and fruits.

(*c*) The unfit grains are sold in the local market to be used as cattle food, and the better seeds are reserved either for distribution or for the use of the department. A statement showing the distribution of the maize seeds during 1938-39 to 1940-41 is laid on the Table.

(*d*) The annual outturn varies from 15 to 25 maunds per acre according to weather conditions. Golden Beauty and Sutton's Giant varieties were imported from America and the rest were local varieties.

(*e*) Seeds of improved varieties are distributed free of cost to the khasmahal tenants every year through two Agricultural Sub-Overseers maintained by the Board of Revenue for agricultural improvement works.

(*f*) As maize is the staple food with the people of this district, the cultivation of this crop is so widely extended that the present area under improved maize in Government estates is estimated to be about 25,000 acres and this is due to the cultivators getting free supply of the improved maize seeds from the farms for many years.

Statement referred to in reply to clause (c) of unstarred question No. 22.

	1938-39.	1939-40.	1940-41.
	Mds.	Mds.	Mds.
(1) Free distribution from the grant of the Board of Revenue	19	11	4
(2) Sold to cultivators and others ..	9	17½	31½
(3) Free distribution by the department in other districts of Bengal for growing of fodder crop	186½	111	288½
(4) Sold to private parties outside the Darjeeling district	26	9	4½

Distress of agriculturists in Chandpur subdivision.

23. Mr. JONAB ALI MAJUMDAR: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there is economic distress prevailing in the subdivision of Chandpur, Tippera;

(*ii*) that *aman* paddy crop of the last season was damaged by a kind of dangerous insects in that subdivision; and

(*iii*) that a large number of people of the No. 2 Kalocho Union, Hajiganj police-station within that subdivision, have submitted a petition to the District Magistrate of Tippera, praying for immediate gratuitous relief and agricultural loans a few days ago?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, are the Government considering the desirability of granting gratuitous relief and agricultural loans to give relief to the poor agriculturists of that subdivision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) No general distress prevails in the subdivision.

(*ii*) About one-eighth of the *aman* paddy crop of the last season was damaged by insect pest in several villages in Kalachow union of Hajiganj police-station.

(*iii*) Two such petitions were received.

(*b*) Yes. A sum of Rs.75,000 has been allotted as agricultural loan for this subdivision out of which a sum of Rs.74,995 has been distributed.

Gratuitous relief of Rs.1,300 from Government grant and Rs.350 from the District Board grant have been allotted for this subdivision. Out of these sums Rs.550 has already been distributed. A quantity of rice from the charitable relief fund has also been distributed.

Paddy husking centres are being opened in the affected areas and a sum of Rs.5,000 has been allotted for the purpose.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether, out of the gratuitous relief of Rs. 1,300 from Government grant and Rs. 350 from the District Board grant, any amount was given to Kalocho Union within Hajiganj police-station?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Mr. SHAHEDALI: Is the Hon'ble Minister aware that no amount was given out of the gratuitous relief fund or out of the District Board Fund to the Kalocho Union——

Mr. SPEAKER: That question does not arise. You can ask for information by putting a fresh supplementary question but you cannot supply information in the form of a question.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether any amount has been given to the Union from which Mr. Jonab Ali Majumdar, a member of the Opposition, has come to this House?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Farms under Union Boards.

24. Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) how many Union Board farms are at present in existence;

(*b*) how many such farms Government intend to establish in the coming year (i.e., 1941-42); and

(*c*) what amount, if any, has been provided for the purpose for the year 1941-42?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) 190 out of which 96 will complete this year the term of three years for which they were sanctioned.

(*b*) 113.

(*c*) Rs.19,323.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to give us some idea of the nature of work that has been done by the Union Board farms?

Mr. SPEAKER: That cannot be answered in a question.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister tell us the names of the districts in which these Union Board farms have been established?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether any Union Board farm has been established in the district of Jessore?

Mr. SPEAKER: I think members can get all these informations from the report of the Agriculture Department.

Mr. ATUL KRISHNA GHOSE: Nothing is being done; only reports are coming out.

Mr. SPEAKER: Will you be happy if there is a Union Board farm in your district? (Laughter.)

Mr. ATUL KRISHNA GHOSE: It is no question of being happy, Sir.

Acquisition of lands for a municipal market at Rangpur.

25. Mr. JATINDRA NATH CHAKRAVERTY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(*i*) that the Commissioners of the Rangpur Municipality in pursuance to a resolution unanimously adopted on the 4th November, 1939, to acquire lands for the purpose of opening a municipal market within the municipal area requested the Collector to take necessary steps for acquiring more or less 3·98 acres of land for the purpose;

(*ii*) that a notification about the proposed acquisition was published in the *Calcutta Gazette* on the 23rd of January, 1941; and

(*iii*) that subsequently the Commissioner of the Rajshahi Division informed the Chairman of the Rangpur Municipality that the acquisition should not be proceeded with?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for which the proposed acquisition has been given up?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) and (*iii*) Yes.

(*ii*) The notification under section 4 of the Land Acquisition Act, 1894, was published in the *Calcutta Gazette* of the 1st February, 1940.

(*b*) There were two valid objections relating to permanent structures at the proposed site and both the Land Acquisition Deputy Collector and the Collector were of opinion that there would be sufficient space for a well-planned bazar even after the exclusion of the structures from acquisition. The Collector also held that as the proposed bazar would be within one-fourth of a mile from the existing bazar, it was not only unnecessary but that it would also create rivalry between the proprietors of the existing bazar and the Municipal authorities. As the Municipal Commissioners were unwilling to exclude the structures in

question from acquisition, the Collector recommended that the acquisition should not be proceeded with. This view was endorsed by the Divisional Commissioner. The proposal was examined by Government, and it was decided that the acquisition should not be proceeded with.

Repair of Old Benares Road between Howrah and Sheakhala.

26. Mr. TARAK NATH MUKERJEA: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) what progress has been made up to date for improving the Old Benares Road from Howrah to Sheakhala;

(*b*) what amount has already been spent in this project;

(*c*) what amount has been allotted during the current financial year; and

(*d*) when the work is expected to be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Progress is behind schedule as land acquisition proceedings have taken longer time than was anticipated.

(*b*) Up to the end of June, 1941, Rs. 56,881 has been spent.

(*c*) The budget provision for 1941-42 is Rs.1,75,000, but owing to the delay in obtaining the land, it is unlikely that more than Rs.1,25,000 will now be spent.

(*d*) March or April, 1943.

STARRED QUESTION

(to which oral answer was given)

Family allowance to certain security prisoners.

***11. Mr. PRATUL CHANDRA GANGULY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether his attention has been drawn to the question of family allowance in respect of the following security prisoners:—

(1) Srijut Birendra Chandra Chatterji,

(2) Srijut Amulya Chandra Adhikari,

(3) Srijut Atindra Mohan Roy,

(4) Srijut Debendra Chandra Ghosh, and

(5) Srijut Amulya Chandra Mukherji?

(*b*) If so, will the Hon'ble Minister be pleased to state what action has been, or is likely to be, taken immediately by Government?

(*c*) If the answer to (*a*) is in the negative, do the Government consider the desirability of going into the question immediately?

(*d*) Is the Hon'ble Minister aware that the above security prisoners are the only supporters of their families?

(*e*) Is the Hon'ble Minister aware that the dependants of the said security prisoners are in a state of starvation as there is nobody to support their families?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government consider the desirability of granting maintenance allowance to their families?

(*g*) If the answer to (*f*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*h*) Is the Hon'ble Minister aware that the above security prisoners were granted family allowance during their previous detention in 1930-38?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*h*) Yes.

(*b*) Applications for allowances received from them were rejected but on review have been allowed in the case of Babu Amulya Chandra Adhikari and Babu Atindra Mohan Roy.

(*c*) Does not arise; but I have had all these cases reviewed.

(*d*) No, with the exception of Babu Birendra Chandra Chatterjee.

(*e*) My information is that neither statement is correct.

(*f*) and (*g*) Do not arise.

Mr. CHARU CHANDRA ROY: In answer (*d*) the Hon'ble Minister admits that Birendra Chandra Chatterjee is the only supporter of his family. Do Government contemplate giving any maintenance allowance to his family consisting of his wife and two kiddies?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very likely he was one who supported his family, but I believe his family can be maintained by his relations. That is the reason why we have not granted any allowance. But I will look into it again.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether he will kindly review this case again?

Mr. SPEAKER: Yes. He has said that he will look into the matter.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether Government will kindly have these cases enquired into and reviewed by officers other than police officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot give a guarantee about that, but, as a rule, District Magistrates also enquire into such cases.

Mr. ATUL CHANDRA SEN: With reference to answer (*d*), will the Hon'ble Minister be pleased to give us the names of the supporters of the families of these prisoners as defined under rule 26?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL CHANDRA SEN: I must lodge an emphatic protest against such evasive reply as "I ask for notice". Here is a categorical statement that the families of these prisoners have got no other supporters, but the Hon'ble Minister does not come prepared with the names of the supporters.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think I have got them either.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether he has made enquiries into those cases with regard to the statements made by the prisoners or their relatives?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the information that we had in our possession these cases were reviewed and on the basis of that decision was taken.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have considered the desirability of making enquiries about these cases through the local officers—either the District Magistrate or the Subdivisional Magistrate—instead of police officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not in a position to give any definite reply. These enquiries are made through the local officers, but I cannot tell you specifically whether they are done by the police or the executive officers.

Mr. ATUL KRISHNA GHOSE: In the course of reviewing the cases did the Hon'ble Minister try to find out the supporters of the families of those gentlemen to whom the Government did not sanction any allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member by that means whether I tried to go into the villages and find out who they were, I say "No".

Mr. ATUL KRISHNA GHOSE: In view of the reply of the Hon'ble Minister——

Mr. SPEAKER: It is quite clear that he has not personally gone to the villages, but he has gone through the files.

UNSTARRED QUESTION

(answer to which was laid on the table)

Appointments in connection with A.R.P. works.

16. Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the total number of appointments either temporary or permanent in the—

(*a*) Executive,

(*b*) Clerical, and

(*c*) Menial

staff made during the current financial year, for Air Raid Precautions; and

(*ii*) how many of them are—

(*a*) Hindus,

(*b*) Muslims, and

(*c*) Christians

in each of the said branches of service?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) (*a*) 21.

(*b*) 19.

(*c*) 29.

	Executive.	Clerical.	Menial.
(*ii*) (*a*)	... 8	14	17
(*b*)	... 4	5	7
(*c*)	... 9	...	...
Hillmen	...	...	5

Mr. SYED JALALUDDIN HASHEMY: Sir, these appointments have been made very recently. Will the Hon'ble Minister be pleased to state why communal ratio, particularly in executive, clerical and menial services, was not maintained and why 9 posts out of 21 had already been given to the Christians?

The Hon'ble Khwaja Sir NAZIMUDDIN: On account of the special nature of the work and urgency of the appointments. Well, the honourable member is not a supporter of the communal ratio. (Laugther.)

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the reason why out of 21 only 4 posts went to Muslims?

Mr. SPEAKER: He has answered that question.

Mr. ABDUL WAHAB KHAN: We have not heard the reasons and we also want to know who are the appointing authorities.

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Adjournment motion.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I once more beg leave of the House to move my adjournment motion regarding Government's order relating to a class of prisoners called by Government terrorist prisoners whom we consider as a section of political prisoners. On the last occasion, Sir, you were examining the question of admissibility——

Mr. SPEAKER: Let us hear Sir Nazimuddin.

Dr. NALINAKSHA SANYAL: I want to give you the points from where I left.

Mr. SPEAKER: It is not necessary. Is there any objection on the part of Government to this motion being taken up?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do object, Sir, because there is no question of urgency. These people were dealt with by the law courts and in the normal course their release was not due. As a special act of clemency Government decided to release them before their time and in view of the altered circumstances they have now decided to change their policy. Therefore, there is no question of

urgency about it. Action in the normal course of law is being followed. What the normal procedure should be, what the law courts have decided, all these questions can be raised by other methods than an adjournment motion.

Mr. SPEAKER: What other method?

The Hon'ble Khwaja Sir NAZIMUDDIN: By private member's motion.

Mr. SPEAKER: I have looked into this question. There is nothing before the House yet. There is only reference to political prisoners, but as I understand, so long Government did not admit terrorist prisoners to be political prisoners.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, no. There is no such thing as that, Sir. Of course, I do not know what that resolution about political prisoners is, but as far as this is concerned, the question can be debated at the time when the budget comes up.

Mr. SPEAKER: There is the only point about urgency.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is in normal course that the change of policy has been announced.

Mr. SPEAKER: There is one thing which I want to say in this connection. The resolution of Mr. Satya Priya Banerji deals with the Defence of India Act prisoners and other political prisoners. If this resolution includes the contention of the mover of the adjournment motion, then the motion cannot come up for discussion. It is only on the basis that the resolution does not include his contention that this motion may come up.

Dr. NALINAKSHA SANYAL: I submit that my motion relates to a matter entirely different from what Mr. Satya Priya Banerji had in view when he gave notice of resolution No. 8. As you will be pleased to notice from the short statement that I have submitted, I intend to criticise the present decision of the Government of Bengal as announced in the press communiqué.

Mr. SPEAKER: It means the decision of Government not to release the prisoners.

Dr. NALINAKSHA SANYAL: Not even with conditions.

Mr. SPEAKER: Not to pursue the policy of November, 1939?

Rai HARENDRA NATH CHAUDHURI: That is it, Sir.

Dr. NALINAKSHA SANYAL: It does not really mean release unconditionally or forthwith. It is a position in which Government has resiled from their own declared policy.

Mr. SPEAKER: Your point, so far as this motion is concerned, is that while you do not in any way enter into the question as to whether the prisoners should be unconditionally released or not, you say that the policy of conditional release should not be changed.

Dr. NALINAKSHA SANYAL: Yes, Sir.

Mr. SPEAKER: Sir Nazimuddin, have you got anything to say on this issue? As I understand it, the motion of Mr. Satya Priya Banerji relates to the unconditional release of the political prisoners forthwith. The position is that there is a policy of Government which was declared, namely, they were prepared to release certain prisoners under certain conditions. Government, for reasons of their own, have now changed their policy and said that they are not prepared to abide by their old decision, and have made a new policy, *viz.*, not to release the prisoners. I do not enter into the discussion as to whether you are right or wrong. All I want to say is that supposing a man considers that this change of policy is of such importance as requires a discussion in this House then what will be the attitude of Government? As a matter of fact, Government themselves consider it sufficiently emergent since they have issued a press communiqué (Cries of "hear, hear", from the Congress Benches.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Government only announced it by a press communiqué, because they thought that there might be some misunderstanding. This question can be discussed by means of a special motion.

Mr. SPEAKER: Anyway, the only thing in bar before us is the motion of Mr. Satya Priya Banerji. But it seems on going through in details that cannot stand in the way. There may be difference of opinion on the point as to whether this is an urgent matter or not. But it is entirely a matter as to how one looks at it. The question of a man being released from prison is a matter which may legitimately be considered as of very great urgency. If Government change their policy and if a prisoner is released a day earlier, it means personal liberty to a man at an earlier date. (Cries of "hear, hear" from the Congress Benches.)

I hold that the motion is in order and I would ask the House whether the honourable member has the leave of the House to move his motion.

Is there any objection?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. SPEAKER: I will then request those honourable members who are in support of the motion to rise in their seats.

(The requisite number of members having risen in their seats in support of the motion.)

The motion is admitted and I fix 6 p.m. to-day as the time for taking it up.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, will you kindly consider this fact that we have got only one day a week for non-official business, and postpone the discussion of this motion till Monday next?

Mr. SPEAKER: I believe, this matter is considered to be of such urgency that even the non-official resolution might stand over.

GOVERNMENT BILLS.

Bengal Markets Regulation Bill, 1941.

The Report of the Select Committee of the Bengal Markets Regulation Bill, 1941, was then presented.

Bengal Pure Food Bill, 1940.

The *ad interim* report of the Select Committee on the Bengal Pure Food Bill, 1940, was then presented.

NON-OFFICIAL RESOLUTION.

Gumti embankment and prevention of breaches.

Mr. MAQBUL HOSAIN: Sir, I beg to move that this Assembly is of opinion that immediate steps should be taken up by the Government of Bengal to frame a comprehensive scheme to prevent breaches of the Gumti river embankment.

মাননীয় সভাপতি সাহেব, ত্রিপুরা জিলার গোমতী নদীর বাঁধ ভাঙ্গা নিবারণ করার জন্য অনতিবিলম্বে বাংলা গভর্ণমেণ্টকে একটী ব্যাপক পরিকল্পনা রচনা করিতে আমি অদ্য আপনার সহযোগে পরিষদের সম্মুখে এই প্রস্তাব উপস্থিত করিলাম।

ইংরাজ শাসন প্রবর্ত্তিত হওয়ার কিছুকাল পর হইতেই গোমতীর বাঁধ ভাঙ্গিয়া প্লাবনের সূচনা হয়। ইহার পূর্ব্বে গোমতীর বাঁধ ভাঙ্গিয়া প্লাবন হইয়াছে বলিয়া কোন

রেকর্ড খুজিয়া পাওয়া যায় না। সরকারী কাগজ হইতে আমরা জানিতে পারি যে ১৫৭ বৎসরেরও উর্দ্ধকাল যাবৎ গোমতীর বাঁধ ভাঙ্গার ফলে ত্রিপুরার এক বৃহত্তম অংশ উৎসন্ন হইয়া যাইতেছে। উক্ত দীর্ঘকালের মধ্যে পূর্ব্বে দু-চার বৎসর বাদ গেলেও বিগত ২২ বৎসর কাল যাবৎ ইহা একটী বাৎসরিক দুর্ঘটনায় পরিণত হইয়াছে। গোমতীর বাঁধ ভাঙ্গিয়া যে বন্যা হয় তাহাতে ত্রিপুরা জিলার সমগ্র বুড়িচং ও দেবিদ্বার থানা এবং কসবা, কোতয়ালী, মোরাদনগর, নবীনগর চান্দিনা, হোমনা এবং দাউদকান্দি থানারও একটী বিরাট অংশ প্লাবিত হইতেছে। ক্রমান্বয়ে নদীর তলদেশে মাটী পড়িয়া উঁচু হইয়া যাওয়ায় এবং পার্ব্বত্য ত্রিপুরায় কৃষিকার্য্য বিস্তারের জন্য উপত্যকার জল নিকাশার্থে নূতন নূতন খাল এবং নালার সৃষ্টি হওয়ায় বৎসরের পর বৎসর বন্যা ভীষণ আকার ধারণ করিতেছে এবং তাহাদের সংখ্যা বৃদ্ধি হইতেছে। বন্যা নিবারণ করার জন্য গভর্ণমেণ্টের উদাসীনতা আমরা বহুকাল যাবৎ লক্ষ্য করিয়া আসিতেছি। ইং ১৯১৭ সালের ২৩শে জানুয়ারী বঙ্গীয় ব্যবস্থাপক সভার তৎকালীন সদস্য শ্রীযুক্ত অখিল চন্দ্র দত্ত মহাশয় গোমতী নদীর বন্যা হইতে নদীর উভয় তীরস্থ স্থানের ফসলাদি রক্ষা করার জন্য যে প্রস্তাব উত্থাপন করিয়াছিলেন তাহা এইরূপ ছিল—"This Council recommends to the Governor in Council that immediate steps be taken to protect from damage by floods the areas of land on the two sides of the Gumti river in the district of Tippera between Bibirbazar and Jafarganj."

প্রস্তাবক গোমতী নদীর বন্যার বিভিন্ন দিক আলোচনা করিয়া যুক্তিতর্ক সহকারে এক জোরাল বক্তৃতা দেন। উক্ত প্রস্তাবের সমর্থনে ভারতের প্রাতঃস্মরণীয় মহাপুরুষ, স্বাধীনতার অগ্রদূত, মনীষী আবদুর রসুল এক হৃদয়গ্রাহী বক্তৃতা প্রদান করেন। বাংলা সরকারের তৎকালীন ভারপ্রাপ্ত সদস্য মিঃ গ্রীন প্রস্তাবটী গ্রহণ করেন। আজ ২৫ বৎসর হয় প্রস্তাবটী পাশ হইয়াছে; কিন্তু তৎকালীন আমলাতন্ত্র গভর্ণমেণ্টের নিকট হইতে ইহার প্রতিকারের কোন আশা করা না গেলেও দায়িত্বশীল শাসনতন্ত্র প্রবর্ত্তনের পর ইং ১৯৩৭ সন হইতে যখন এতৎ সম্পর্কিত কার্য্যের ভার জনসাধারণের নির্ব্বাচিত প্রতিনিধি মন্ত্রীসভার উপর অর্পিত হইয়াছে তখন আশা করা গিয়াছিল যে অন্ততঃ তাঁহারা এই প্রকারের জটিল সমস্যার একটা সুরাহা করিবেন। কিন্তু, বিগত সাড়ে চার বৎসরের মধ্যে তাঁহারা এ সম্বন্ধে এত উদাসীন রহিলেন যে দেশের জনমতের আবেদন, নিবেদন ও পরিষদের এ দিকের সদস্যগণের দাবী দাওয়া উপেক্ষা করিয়া তাঁহারা ইহা কার্য্যে পরিণত করা প্রয়োজন মনে করিতেছেন না। গোমতী নদীর বাঁধ ভাঙ্গার ফলে স্মরণাতীত কাল হইতে ত্রিপুরাবাসীর যে বিপুল ক্ষতি সাধিত হইতেছে এবং তাতে ত্রিপুরা কি ভাবে ধন জন সহ ধ্বংসের কালগ্রাসে পতিত হইতেছে তাহা পরিষদের মেম্বারগণের অনুধাবনের জন্য facts and figures সহ উপস্থিত করিতেছি। Indian Civil Serviceএর Mr. J. E. Websterএর Eastern Bengal District Gazetteএর Tippera edition হইতে এ সম্বন্ধে কিছু উদ্ধৃত করিতেছি—

Again in 1784 there were floods and the embankment along the Gumti gave way. The Resident wrote:—"The depth of water in any

part of the parganas is not less than 10 feet, and in many parts is 20 feet. The memory of men does not furnish an instance of such floods". Maherkul seems to have suffered worst. At the time the only measures taken were to stop collections and repair the embankment, but in the following cold weather the *rabi* crop failed, and the people were left starving; 1,500 were fed daily by the Resident, but he estimated that 7,000 people died of the famine, and that 12,000 had gone away to other parts in search of relief.

In 1788 the Gumti embankment was breached, and the Resident complained of the difficulty of repairing it; the price of coarse rise rose to 23 seers a rupee, which was considered abnormally high, and the Collector of Chittagong sanctioned agricultural loans and temporary remissions of revenue to "meet the dreadful state of the district" and restrictions were placed on the export of food grains.

In 1794 Gumti embankment burst again, causing much damage, and the Resident proposed that it should either be levelled or that permanent gaps should be made in it to allow the water to escape gradually when it passed a certain height.

Heavy floods in September, 1906, breached the Gumti embankment and damaged much of the standing crops, and eventually only a 10-anna crop of winter rice was reaped. Distress was, however, confined to the poorest class of people, ...

The only embankment in the district is the Gumti embankment. This consists of two earthen banks on either side of the Gumti river from Bibirbazar where it debouches into the plains to Jatarganj, a distance of 20 miles.

At one time breaches in this embankment were so frequent and so disastrous that its abandonment was suggested, and as an alternative the north embankment from Solanal to Jatrapur was lowered in 1893 so as to allow an easier exit to the waters in high flood. Even so the river level during the rains is considerably above that of the surrounding country and breaches of the embankment are infrequent.

In 1906 the embankment was breached in several places, and serious damage was caused to crops over large tracts of country. The inundations caused by the breaches at Subarnapur about 4 miles above Comilla and Edbarpur, about 8 miles below Comilla, were specially destructive. It is said that with the extension of cultivation and the clearing of the slopes in Hill Tippera the floods come down with even greater rapidity and violence than formerly. In 1910 Mr. C. A. White, Superintending Engineer, was deputed by Government to report on the embankment.

এই সমস্ত প্রমাণাদি হইতে আপনারা জানিতে পারিয়াছেন যে গোমতীর বাঁধ ভাঙ্গিয়া যে বন্যা হয় তাতে কত লোকের প্রাণহানী হইয়াছে, কত লোক দুর্ভিক্ষের ধ্বংসলীলা হইতে

বাঁচিবার জন্য দেশত্যাগী হইয়াছে। ইং ১৯১৬ সনের বঙ্গীয় ব্যবস্থাপক সভার ১৩ই ডিসেম্বর তারিখের প্রশ্নোত্তর হইতে জানা যায় যে ঐ সনের বন্যা ১০০ বর্গ মাইল স্থান প্লাবিত করিয়াছিল এবং ৮০ বর্গ মাইল পরিমিত স্থানের ফসল নষ্ট হইয়াছিল। উক্ত বন্যায় ক্ষতির পরিমাণ ৬ লক্ষ টাকা হইয়াছিল বলিয়া গভর্ণমেণ্ট estimate হইতে জানা যায়। ঐ তারিখের প্রশ্নোত্তর হইতে জানা যায় যে ১৯১৫ সনের বন্যায় দেড় লক্ষ টাকার ফসল নষ্ট হইয়াছিল।

ইং ১৯৩৮ সনের বন্যায় সরকারী estimate মতে ৮০,০০০ টাকা ক্ষতি হইয়াছে বলিয়া ধরা হইয়াছে (vide answer of question of 28th February, 1939). ইং ১৯৩৯ সনের বন্যায় কোতয়ালী থানার পাঁচথুবি ও আমরাতলী ইউনিয়নের অর্দ্ধেক হইতে দুই-তৃতীয়াংশ ফসল নষ্ট হইয়াছিল। বুড়িচং থানার ঘোলনল, বাকশিমুল, রাজাপুর এবং শশিদল ইউনিয়নের অর্দ্ধেক ফসল নষ্ট হইয়াছিল এবং বুড়িচং ইউনিয়নের অবস্থা ঐগুলি হইতে কম সাংঘাতিক হইয়াছিল। দেবিদ্বার থানার, ফতেহাবাদ, সুবিল এবং বড় শালঘর ইউনিয়ন, কসবা থানার কাইমপুর এবং বায়েক ইউনিয়ন ও বুড়িচং থানার সাহেবাবাদ ইউনিয়নের ফসল অপেক্ষাকৃত কম নষ্ট হইয়াছিল। (পরিষদের ১১।১২।৩৯ ইং তাং প্রশ্নোত্তর।) বর্ত্তমান পরিষদের প্রারম্ভ হইতে আমরা এ দিক থেকে, গোমতীর বন্যা হইতে জনগণকে রক্ষা করার জন্য ২৫ বারের উদ্ধকাল পর্য্যন্ত দাবী জানাইয়াছি। মাননীয় মন্ত্রী মহোদয় আমাদের দাবীর যে উত্তর দিয়াছেন তাহার কতক অংশ এখানে উদ্ধৃত করিতেছি—

"The matter has already been examined by the experts of Government and the construction of an escape on the Gumti bank with the object of disposing of a portion of the flood and giving some relief to the affected area, is under consideration."

30th September, 1937.

"Measures to stop the occurrence of breaches are under consideration."

28th February, 1939.

"A survey was made with a view to examine the proposal of escape."

23rd March, 1939.

"I propose to obtain the views of members of both Houses of the Legislature representing the area concerned at conference to be held on the 20th December, 1939."

19th December, 1939.

মাননীয় মন্ত্রী মহোদয়ের এই সমস্ত উত্তর হইতে আমরা দেখিতে পাইতেছি যে বর্ত্তমান পরিষদের প্রারম্ভ হইতেই মন্ত্রীসভা গোমতীর প্লাবন নিবারণ করার জন্য বিশেষজ্ঞ দ্বারা কেবল পরীক্ষা করাইলেন, জরিপ করাইলেন, নিছেরা বিবেচনা করিলেন এবং প্রপীড়িত অঞ্চলের পরিষদ সদস্যগণের মতামত অবগত হইলেন কিন্তু প্লাবন নিবারণের জন্য কোন কার্য্যকরী পন্থা এ পর্য্যন্ত অবলম্বন করিলেন না। পরিষদের ৯ অধিবেশনে [illegible]

প্রায়। অন্ততঃ বিদায় বেলায় এ সম্বন্ধে তাঁহাদের একটা কোন কিছু করা আমি সঙ্গত বলিয়া মনে করি। তাঁহাদিগকে আমি একথা বলি যে মানুষ মরবার বেলায়ই কাজ করে। ইংরাজি ১৯৩৭ সনের ৩০শে সেপ্টেম্বার মাননীয় মন্ত্রী মহোদয় প্রশ্নোত্তরে বলেছিলেন—"Breaches occur almost annually and some damage is caused to crops." প্রায় প্রতি বৎসর গোমতীর বাঁধ ভাঙ্গিয়া যে শষ্য নষ্ট হইতেছে তাহা তিনি স্বীকার করিতে বাধ্য হইয়াছেন। মোটের উপর বিগত ২২ বৎসর কাল যাবৎ গোমতীর বাৎসরীক প্লাবনে উক্ত এলাকার লক্ষ লক্ষ টাকার ফসল নষ্ট হইতেছে এবং তাতে ত্রিপুরা জিলার নয়টী থানার জনসাধারণ সর্ব্বস্বান্ত হইতেছে।

বর্ত্তমান বৎসরে তিনবার কতকস্থান দিয়া গোমতীর বাঁধ ভাঙ্গিয়া যে অঘটন ঘটাইয়াছে তাহার তুলনা মেলে না। চার শত বর্গ মাইল ব্যাপী স্থান উক্ত প্লাবনে প্লাবিত হইয়াছে। লক্ষ লক্ষ টাকার ধান, পাট নষ্ট হইয়া গিয়াছে। বন্যার জলে অনেকের ঘর বাড়ী বিধ্বস্ত হইয়া গিয়াছে। আজ অন্নহীন, বস্ত্রহীন এবং গৃহহীন হাজার হাজার লোকের ক্রন্দনে আল্লার আকাশ কাঁপিয়া উঠিয়াছে। আমি বন্যা-বিধ্বস্ত অঞ্চল পরিদর্শন করিয়া সংবাদ পত্রে এ সম্বন্ধে বিবৃতি দিয়াছি।

দুর্গতজনের সাহায্যের জন্য সরকার হইতে যে ব্যবস্থা করা হইয়াছে তাহা অত্যন্ত অপ্রচুর ও অপর্য্যাপ্ত। আমি দুর্ভিক্ষ প্রপীড়িত অঞ্চল পরিদর্শন কালে জানিতে পারিয়াছি যে বুড়িচং থানার শশিদল ইউনিয়নে কৃষি ঋণ ২,৭৮২৲ টাকা এবং খয়রাতী সাহায্য দুই কিস্তিতে ১৫৲ টাকা দেওয়া হইয়াছে। সাহেবাবাদ ইউনিয়নে কৃষি ঋণ ৩,০৫০৲ টাকা এবং খয়রাতী সাহায্য ৩৭।৵০ আনা দেওয়া হইয়াছে। বাজাপুর ইউনিয়নে কৃষি ঋণ ৩,০৩৪৲ টাকা এবং খয়রাতি সাহায্য দুই কিস্তিতে ১৫৲ টাকা দেওয়া হইয়াছে। ঋণ গ্রহণকারীগণ তিন টাকা হইতে সাত টাকা পাইয়াছে। অন্যান্য ইউনিয়নেও এই অনুপাতে টাকা দেওয়া হইয়াছে। Crop loan এবং test reliefএর কোন ব্যবস্থা করা হইতেছে না। এই অবস্থায় বন্যা প্রপীড়িত দুর্গত জনগণের অবস্থা যে কি হইবে তাহা ভাবিলে শরীর শিহরিয়া উঠে। পূর্ব্ববর্ত্তী দুর্ভিক্ষের সময় মহাজন হইতে টাকা কর্জ্জ পাওয়া যাইত, কিন্তু, এখন কর্জ্জ পাওয়া যাইতেছে না। যে সমস্ত লোক কৃষিঋণ ও খয়রাতি সাহায্যের জন্য সরকারের দারস্থ হইয়াছে তাহাদের অনেকে সাহায্যপ্রার্থী হওয়াকে পাপ ও ঘৃণার কার্য্য বলিয়া মনে করিতেন; কিন্তু, অভাবের তাড়নায় তাহাদের অবস্থা এমন হইয়াছে। তাঁরা সরকারী সাহায্য দ্বারা জীবন ধারণ করিতে চান না। তাঁরা চান গোমতীর প্লাবনে যেন তাদের ফসল নষ্ট না হয়।

গোমতী নদীর বাঁধ তিন ভাগে বিভক্ত করা যায়। (১) সরকার সংরক্ষিত অঞ্চল। (২) ত্রিপুরা ষ্টেট্ সংরক্ষিত অঞ্চল এবং (৩) অরক্ষিত অঞ্চল। সরকার সংরক্ষিত অঞ্চল রক্ষা করার জন্য চাকলা রোসনাবাদের জমিদার, গজা মণ্ডল ও পাইটকারার জমিদার এবং ঐ অঞ্চলের তালুকদারগণের নিকট হইতে গভর্ণমেণ্ট প্রতি বৎসর কতক হাজার টাকা ট্যাক্স নিয়া থাকেন। কিন্তু, বাঁধ রক্ষার কোন ব্যবস্থা করিতেছেন না। ত্রিপুরা ষ্টেট্ ও তাঁদের সংরক্ষিত অঞ্চল সম্বন্ধে সম্পূর্ণ উদাসীন ও অনামনস্ক। অরক্ষিত অঞ্চলের খোঁজ খবর আর কে রাখে?

মাননীয় সভাপতি সাহেব, আপনার সহযোগে হাউসের মাননীয় সদস্য মহোদয়গণকে গোমতীর প্লাবনের ভয়াবহ অবস্থা এবং সরকারের মনোভাব জানাইয়াছি। আমার নিবেদন পরিষদ আমার প্রস্তাব গ্রহণ করিয়া বন্যা প্লাবিত অঞ্চল ধ্বংসের কবল হইতে রক্ষা করিবেন।

Maulvi ABDUL WAHED : মাননীয় সভাপতি সাহেব, এই প্রস্তাবে একটা সংশোধন আছে।

That the word "should," in line 2, of resolution No. 1 after the word "steps" be deleted.

Mr. MAQBUL HOSAIN: Sir, I accept the amendment.

The motion of Maulvi Abdul Wahed was then put and agreed to.

Maulvi MAFIZUDDIN AHMED: Mr. Speaker, Sir, the Gumti Embankment is the problem of all problems that have been facing the middle and north-west Tippera for a long time. Government's approach towards this all-engrossing problem has hitherto been very unsatisfactory and particularly dilatory. I have every doubt if Government can at all realize the full gravity of the situation brought in every year by the floods during the rains. Every year the embankment gives way in some places. Enormous loss to property, crops and lives has been a matter of annual recurrence. Agitations, discussions, applications and supplications have been made from all possible quarters but Government do not appear to be serious in the matter. Tinkering attempts, though made at times, do not touch even the fringe of the problem which is so vast and so serious. It is high time that Government should take up courage in both hands and come out with a bold and definite scheme for its solution without any further delay. The situation has reached its breaking point. The major portion of the district of Tippera stands the risk of being depopulated if no effective and remedial measure is put into operation within a short time. It is understood that this standing menace has been under the consideration of the Government for about a quarter of a century, but it is highly regrettable that within such a long period of time Government have not been able to come to a definite decision as to how best to tackle the menace. Fat-salaried experts and extra-experts are maintained by the Government at the cost of the public, but it is deplorable that these gentlemen also have not succeeded to present a definite and concrete scheme. Suggestions at random are of no avail.

Sir, last year there was a joint conference held in the Secretariat presided over by the Hon'ble Minister in charge and attended by the departmental experts and M.L.A.'s and M.L.C.'s representing Tippera. It was decided that the total knocking-off of the embankment would be a better solution than to extend and strengthen it. Since then, more than a year has rolled by, and much water has flown down the Gumti, but the problem stands where it was—rather in a more acute form this

year. Of course, it was also discussed that certain survey and observation would have to be made. We do not know if anything has been done towards that direction. During my budget speech in the last session I raised this point, but no reply was made by the Hon'ble Minister in charge to throw any light on the question.

Sir, one shudders to think of the devastations caused by the floods brought in by the breaches in the embankment this year. Sir, you cannot fully realise and draw a picture in your mind's eye, unless you see with your own eyes the scene of havoc and ruinations left by the flood in its train. This year there occurred breaches in the embankment at Galabari, Kahetura, Bur-buria, Chhaguria, Raghunathpur, Bighnabad and Sibnagar. Unions Amratoli and Panchthubi within police-station Kotwali, Unions Shalonal, Bakshiomul, Burichang, Rajapur, Shahebabad, Shashidal, Chandla, Madhabpur, Brahmanpara and Bharilla within police-station Burichang; Unions Jafarganj, Barkanta, Dhamti, Gunaighar, Subil, Debidwar, Fatehabad and Barasalghar within police-station Debidwar have been affected by the floods. Some of these unions have been worst affected. Total area affected would be roughly 100 square miles entailing a damage to crops and properties of about 25 to 30 lakhs of rupees in round figures. Besides this the floods caused more or less damage to some unions in police-stations Muradnagar and Kasba.

Sir, when the breaches occurred first the roaring sounds of the rushing waters dashing from the river down to the lower plain would be heard from one or two miles off. The whole affected area was a vast sheet of surging waters intervened only by houses and trees floating here and there. People and cattle have to be shifted from the worst-affected area to other places for shelter. The crops were totally washed away, not leaving even a green blade of grass floating in the fields. Kahitura breach presented a peculiar phenomenon. Some drones of lands beyond the breach have been converted into a veritable desert by deposits of hilly sands. The tanks in the villages near the breach have been filled up with sands, thus rendering them quite unfit for use.

Sir, in these our untold miseries and sufferings, the only redeeming feature was that we got a sympathetic Collector in Khan Bahadur Kalimuddin Ahmed and an energetic Subdivisional Officer in Mr. M. R. Sarkar. Both of these officers set to work with the zeal of a reformer and the self-denial of a hermit. They went out to the affected areas even during heavy torrential rains and storms without looking to their personal comforts and solaced the distressed people and made better arrangements for them by supplying them with rice and other eatables. I am sure these officers will remain evergreen in the grateful recollection of the people of the North Subdivision, Comilla, and I mention this here as I feel, if the officers had not worked so hard as they did, the sufferings and distress of the people would have known no bounds.

In conclusion, I can only reiterate that it is almost criminal on the part of Government to have left the problem unsolved so long. I urge upon the Government on behalf of the distressed people to find out some definite scheme and to put the same into execution by the next dry season. I take this opportunity of informing Government that the money allotted for gratuitous relief, test relief and agricultural loans is not adequate; more money should be found for the purpose.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I rise to support the resolution moved by my honourable friend Mr. Maqbul Hosain. My friend has already stated the extent of damage done by the Gumti floods from year to year. To this situation the attention of the Government was drawn as early as 1916 and, over 25 years ago, with a view to build certain protective embankments and for improving the condition of the Gumti embankment Government proposed to enter into certain negotiations with His Highness the Maharaja of Hill Tippera. But, Sir, even to-day this embankment has remained without any repair, and during the last five years the present Government also have done nothing and, I am afraid, have not fulfilled their rosy promises which were made by the Hon'ble Ministers from year to year about improving flood prevention measures. Sir, it was stated as early as 1917 that although the flood conditions in Western Bengal received perhaps a little more attention due to the proximity of the capital, the cry of the flood-stricken people on the Gumti banks has remained always a far, far cry, so far as the prospect of getting any redress is concerned. After a lapse of a quarter of a century when much water has flown under the bridges all over India we find that to-day we have come here during the régime of a Ministry, supposed to be a popular Ministry, which has already had made certain promises about improving the irrigation system for the purpose of mitigating the ravages of flood and so on and so forth Gumti continues to overflow and work its havoc year after year. I hope at least this time as a result of this matter being brought to the notice of the Government, Government will not fail to take energetic steps to give remedy and redress.

Sir, to-day we are hearing about famine conditions and scarcity due to failure of crops often times on account of flood. Sir, when flood and famine actually play havoc there is a crying need for relief work and the resources of Government, we are told, are not always equal to meet the demands. Only the other day we were informed by the Hon'ble Revenue Minister that in certain places where the whole land was submerged under water and the people were suffering from acute distress, it was not possible for Government even to undertake test relief work or other relief measures seriously because of the difficulties existing there.

Sir, once these conditions which bring about flood and famine consequent upon flood are allowed to continue, it is no good Government coming forward year after year pleading inadequacy of its resources. Sir, from the accounts which we get from the earlier records we find that the Gumti flood has resulted in as many as 12 to 15 thousand people migrating from the Gumti banks to other areas in search of relief and shelter. To-day we know that the flood conditions in all these areas have become so acute that it is not possible for Government to meet the needs adequately by giving gratuitous relief. When we are confronted with the situation of devastation due to flood, nothing but gratuitous relief is called for and Government finds its resources absolutely inadequate. If they had, instead of tinkering with test relief work, taken timely step with a view to put these embankments under repair, where necessary to reconstruct them on a new plan, to tackle and prevent this menace of flood, I think, Sir, these crop failures might have been to a very large extent prevented, and the extent to which by timely precaution these crop failures would be prevented, to that extent the people would gain protection against ravages of famine consequent on failure of crop.

Sir, here from the eastern part of the province comes the cry of the afflicted people who suffer from time to time as a result of the Gumti flood. Let this be an eye-opener. The Hon'ble Minister has only got to make a cursory perusal of the older records of the legislative proceedings and debates. Information given by the earlier members of Government will give him a very good account, will be illuminating and informative to acquaint himself with the great damage the Gumti flood usually works out. This problem indeed needs the immediate attention of Government.

I, therefore, rise to support this resolution and, in conclusion, I hope that after a period of 25 years which has elapsed, since Government actually took note of the ravages of the Gumti flood, had actually made promises, had actually entered into negotiations with the Maharaja of Tripura, might come a new era now and we may see the fulfilment of unfulfilled pledges and may say that this Government in its enterprise, in its intiative is perhaps a little better than and different from its predecessor. Otherwise, Sir, it means merely the same old scourge with a new garb, because the same old policy of inaction is there, allowing the people to perish for sheer want of timely preventive measures.

Mr. ASIMUDDIN AHMED: মাননীয় সভাপতি সাহেব আমি গোমতী বাঁধ সম্বন্ধে কিছু বলিতে চাই।

Mr. SPEAKER: There is only one minute left for the adjournment motion to be taken up. I suggest that you speak on the next day.

Mr. NIHARENDU DUTTA MAZUMDAR: May the honourable member hand over this (holding out a massive volume) to the Hon'ble Minister so that he may get the information?

Mr. SPEAKER: No, there might be a riot. (Laughter.)

Adjournment motion.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the decision of Government to withdraw for the present the concession of premature release of terrorist prisoners under conditions as announced through a press communiqué issued on 28th of July, 1941, and published in the newspapers on the 29th of July, 1941.

Sir, it is not with an intention of raising acrimonious discussions that I bring before this House a motion of this character which relates to the liberty of a large number of our young men. I move this motion with all the emphasis that I can command and probably the House will permit me to recall just briefly the history of the question of release of terrorist prisoners, whom we call political prisoners, under certain conditions. Sir, the question of release of these young men has engaged or had engaged the attention of all parties, practically all progressive parties, during the last general election that sent us to this Legislature. Thereafter, Sir, after prolonged discussions between leaders of public opinion and Government, Government had ultimately come to the decision of gradually releasing them, particularly as and when Government would be advised by an Advisory Committee to release them either with some condition or without some condition. In November, 1939, Government issued a resolution detailing the whole policy that Government proposed to follow in this connection. In that resolution which was dated 13th of November, 1939, and probably published on the 14th November, the following day, which has been mentioned in the recent communiqué, Government reiterated the whole policy as adumbrated as early as September, 1938. That policy consisted in a definite decision that Government were not prepared to exercise a general or indiscriminate remission of sentences, but Government decided to exercise a reasoned clemency based on careful scrutiny of individual cases. An Advisory Committee was thereafter constituted to go into individual cases. Certain steps that were taken accordingly were also mentioned in the communiqué of November, 1939, and Government announced ultimately that out of 457 terrorist prisoners in jail when the present Ministry took office, 218 had been released either on expiry of their terms of imprisonment or as a result of various degrees of clemency shown by Government on their own responsibility. Of the remaining

239 cases referred to the Advisory Committee Government decided to release unconditionally 149, on condition 43 and to grant remissions in 7 cases, while they also at the same time decided that no clemency should be shown to 40 prisoners. The total number of prisoners proposed to be released on condition was 55 out of whom 15 in course of a few months accepted the condition and by the 13th November, 1939, there were 40 prisoners of that category in the jails in different parts of the province.

Sir, Government then definitely issued orders that these prisoners would be released at any time on accepting the conditions prescribed by Government. These were the words actually appearing in the Government resolution, and there was not a word or a suggestion that there was any possibility of Government at any future date withdrawing or resiling from this position.

There were certain circumstances thereafter following as a result of which it was not possible either for the Government to release them unconditionally or for these young men to sign the declarations required of them. Sir, it was unfortunate, unfortunate more for the young men than of course for the Government, because it was they who were sufferng inside the prison bars. Negotiations for withdrawal of the conditions went on and public opinion also was mobilized and it would not possibly be unfair for me to recall the great services of our illustrious countryman Srijut Subhas Chandra Bose in that connection who organised a series of public meetings throughout the various parts of Calcutta and the province demanding release of these prisoners in particular and political prisoners in general. A hunger strike followed and thereafter some kind of assurance, which I know Sir Nazimuddin will deny, was obtained from him, as a result of which the hunger strike was given up. It was then informally agreed that after the hunger strike was withdrawn, their cases would again be gone into. Things thereafter came to a deadlock and it will not possibly be going again beyond my limits if I recall how under peculiar circumstances Mr. Sarat Chandra Bose who was then one of the members of the Advisory Committee and his collegue Mr. Lalit Chandra Das withdrew from the Advisory Committee. Sir, the situation thereafter remained more in public attention and Government probably slept over the question for a pretty long time. When, Sir, I had the good fortune of being clapped inside the Alipur Central Jail a few months ago I discovered that things were pretty serious. I found that some of these young men were almost on the point of going on another strike, a prolonged hunger strike and they claimed that if their countrymen were not prepared to think of them, if Government which called themselves a popular Government were not prepared to treat them in a manner in which even Nazi Government would not do, it would serve no useful purpose for them to continuously hang on to the jail and take some

rations from the public expenditure. Thereafter, I proposed to them whether they were at that stage also prepared to co-operate with us in the matter of setting in motion the wheel of gradual release which was the Government's declared policy. I asked the Superintendent, Col. Das, who was in office, if he had any suggestions to make and he said that Government orders were already with him to release these boys at any time that they were prepared to declare their intention to abide by the Government conditions. Even then I asked him to make sure after reference to the Government if he could act on the old order which was lying with him for a very long time and after 2 or 3 days, after consultation with the Additional Secretary to the Government of Bengal, Home Department, he communicated to me that he could negotiate with the boys and that Government was not only prepared to negotiate but was also anxious to see that the declared policy of Government is actually set in motion. After some time, Sir, there were some negotiations and negotiations inside the jail took some time, because even Sir Nazimuddin's Government would not allow one class of prisoners to talk to or be in communication with another class of prisoners. With the knowledge of the Superintendent and practically through his channel, all consultations have to be conducted. After prolonged negotiation the boys had certain difficulties which they brought to our notice. These difficulties included difficulties for which consultation with Government also was necessary, but placed as we were, it was not possible for me to enter into such negotiations and Sir Nazimuddin also was unfortunately at that moment out of Calcutta. Ultimately, I induced the boys to accept the condition. Sir, I am not in a position to recount the circumstances intervening between that and the negotiations, but ultimately the boys did agree and eight of them expressed their willingness to sign on a Saturday, probably on the 6th April. Thereafter, I went to the Superintendent and asked him if he was prepared to release them forthwith. He said: "Yes, Government order is final. I can release them to-day, but I will take some time to consult Government over the service of Intelligence Branch officers, because they have to keep watch on them." I asked the Superintendent if Intelligence Branch officers could stop their release. He said: "Certainly not, because Government order was final." Thereafter, the boys were asked by me and they went to the office and signed the declarations. The declarations were to the effect that the boys would keep non-violence and that they would not join any subversive movement. This declaration was given and they were expected to be released on Monday following. Then, Sir, on Monday morning I was informed—the Superintendent could not have the courage to inform the boys when the boys asked him—he said: "I do not know when they will be released" and he told me that he had got a letter from Government, a special letter, not an official communication but an unofficial letter addressed to him by Mr. Porter advising him not to act on the

old order, although at that moment the Additional Secretary was not prepared to take responsibility on himself. Thereafter, Sir, the Superintendent was asked at my request to go and communicate this position to Government and when I found that it was difficult for him to communicate I took the opportunity of communicating with the Parliamentary Secretary to the Government through my wife. Mrs. Murshed was spoken to by my wife who went to interview me in the jail, and she was asked by my wife to speak to the Chief Minister, because I was not allowed to say what it was that I wanted the interview for. It was not permissible under the Jail Code. I simply asked my wife to tell Mrs. Murshed to speak to the Chief Minister who was then in charge of the portfolio to once come to the jail for God's sake, because it was a very serious matter. It did not concern me personally, but it was Government's own prestige and policy that were involved. The Chief Minister assured that he would be coming, but ultimately something intervened—Dacca riots or something like that—and he could not make time to come, although I was informed that he would be coming and—probably it might be that I am giving out a secret which I do not like to—Mr. Porter wanted the Jail Superintendent to tell him why I was wanting to see the Chief Minister. The Superintendent asked me why I was wanting to see the Chief Minister, and I told him. When the Chief Minister did not come, I thought that it was probably for this reason that he was not allowed to come.

Anyway, Sir, that was the state of affairs. Thereafter, I found that it was a question of life and death not only to the boys who actually signed but also to others who were gradually having confidence in Government to get along with the Government's declared policy. On my release I immediately communicated this matter to the Home Minister and also communicated this to the Chief Minister and I found that both of them, although they were sympathetic, thought that the international situation having so developed and the war coming nearer at hand it was difficult for the Government to act up to the old order.

I submit, Sir, that Government has entirely misunderstood the effect of release of these boys. The effect of the former policy of release has so far been healthy both on political and economic grounds for the province of Bengal. Terrorism has definitely been under check and not one of the old terrorists who were released has been found to take part in any overt act of terrorism or spreading the cult of individual violence. Government in that respect, I submit, Sir, is following an entirely short-sighted policy. It is for Sir Nazimuddin's Government to rise equal to the occasion and to take courage in both hands and not to be guided merely by the Intelligence Branch or administrative officers who have no vision and probably no heart. Sir, I submit that if the Government depend upon the Intelligence Branch officers and Special Branch officers of the Government, they will never

be able to carry on a popular administration in the way that the people of Bengal want them to carry it on. Sir, I have had personal experience of how the Intelligence Branch Raj and the Special Branch Raj is carried on irrespective of Government orders and irrespective of Government rules. In my own personal case, Intelligence Branch officers stopped my interviews in the jail though there is nothing in the Jail Code which shows that they could intervene and stop these interviews. If they did it, Sir, they did it over the head of the Superintendent. The Superintendent could do nothing.

(At this stage the member having reached the time-limit resumed his seat.)

Srijut NARENDRA NATH DAS GUPTA : মাননীয় সভাপতি মহাশয়, গভর্ণমেণ্ট এই কয়েক বৎসর যাবৎ রাজনৈতিক বন্দীদের মুক্তির বিষয়ে যে রকম কর্ম্মপন্থা অনুসরণ করে এসেছেন—তাতে রাজনৈতিক বন্দীরা এখনও মুক্তি পায়নি। সেই বিষয়ে আমার বিশেষ কোন কৌতূহল নেই বা সেটাকে আমি একটা অস্বাভাবিক কিছু বলে মনে করি না। কিন্তু, কথা হ'ল এইখানে যে, গভর্ণমেণ্ট সহসা ঘোষণা করে ফেললেন, যে কয়েকজনকে ছাড়া হয়েছে তাদের ছাড়া, আর কাহাকেও ছাড়া হবে না। তাঁরা অনেককে ছাড়েননি এবং অনেককে হয়ত ছাড়বেন না। কিন্তু এর পিছনে যে ইতিহাস সেটা গভর্ণমেণ্টের নিজের জানা আছে। সেটি হচ্ছে শ্বেতাঙ্গ প্রভুদের ইঙ্গিত বা নির্দ্দেশ। কিন্তু, গভর্ণমেণ্টের এই বর্ত্তমান বিবৃতি পাঠ করে জনসাধারণ এই ধারণা নিয়ে যাবে যে গভর্ণমেণ্ট এতদিন যে নীতি ঘোষণা করে এসেছেন "যদি কোন রাজনৈতিক বন্দী তাদের পূর্ব্বের হিংসা পন্থা ত্যাগ করে, সাধারণ নাগরিক জীবন যাপন করতে পারে তবে তাদের স্বাধীনতা দেওয়া হবে"; সেই নীতি গভর্ণমেণ্ট পরিত্যাগ করলেন। রাজনৈতিক বন্দীগণ যারা কারাগারের অন্তরালে দিনের পর দিন জীবনকে ক্ষয় করে মরণের পথে এগিয়ে যাচ্ছে, কিন্তু যে স্বাধীনতার আদর্শ তাহাদিগকে দুঃখ, বিপদ, লাঞ্ছনা, কারাগার, মরণকে অগ্রাহ্য করিয়া বছরের পর বছর সঙ্কল্পে অটুট রেখেছিল, তারা যে পন্থা নিজের জীবনে সত্য বলে অনুভব করে এসেছিল, আজ কারাপ্রাচীরের ভিতরে থাকা সত্ত্বেও কোন শক্তি উহা তাহাদিগকে ত্যাগ করিতে বাধ্য করিতে পারিত না। কিন্তু তাহারা বিশেষ বিবেচনা করিয়া দেখিয়াছে যে, দেশ ও জাতির পরিবর্ত্তিত অবস্থায় পূর্ব্বের নীতি ও পন্থা কার্য্যকরী হবে না, অহিংস উপায়ে জাতিকে শিক্ষিত ও সংঘবদ্ধ করে স্বাধীনতা যুদ্ধে অগ্রসর হ'তে হবে। তাই তাদের মতের পরিবর্ত্তন ঘটেছে। কিন্তু পূর্ব্বের কর্ম্মপন্থা ত্যাগ করলেও তাদের ব্যক্তিগত মর্য্যাদা সরকারের কাছে নতি স্বীকার করা হবে বলে সেই কথাটা ঘোষণা করিতে ঘৃণা বোধ কর্ত্ত। তা সত্ত্বেও তারা অন্তরের সত্যের প্রেরণায় গভর্ণমেণ্টের প্রতিশ্রুতি পত্রে সই করে দিয়েছিলেন। কিন্তু, তা সত্ত্বেও যে আজ গভর্ণমেণ্ট তাঁদের পূর্ব্বতন যুক্তিজ্ঞান নীতি পরিবর্ত্তন করে ঘোষণা করলেন,—তাতে একটা কথা আমার মনে পড়ে। কোন একটি ছেলের অসুখ হ'লে তার মাতা দেবতার কাছে বহু মানত করেছিলেন যাতে ছেলে অসুখ থেকে সেরে উঠে। কিন্তু, যখন ছেলে অসুখ থেকে সেরে উঠল তখন তার মা মানত রক্ষা করলেন না। স্বপ্নে দেবতা মানত রক্ষার দাবী জানালে

তিনি দেবতাকে বললেন—ঠাকুরাণী যখন আমি মানত করেছিলাম তখন আমার ধারণা ছিল যে ছেলে বাঁচবে না, কাজেই আমার মানতে কোন মূল্য নেই। গভর্ণমেণ্টেরও হয়তো ধারণা ছিল এই সমস্ত যুবক কখনই প্রতিশ্রুতিপত্রে দস্তখত দেবে না। কাজেই তখন গভর্ণমেণ্ট ঘোষণা করেন আমরা এদের ছেড়ে দেবো যদি এরা পূর্ব্বের কর্ম্মপন্থা ত্যাগ করতে রাজী হয়। কিন্তু বাস্তবিক যখন দেখলেন যে এরা সই করতে রাজী হ'ল, তখন গভর্ণমেণ্ট শুধু যে তাদের কারাগার থেকে মুক্তি দিলেন না তা নয়; সঙ্গে সঙ্গে ঘোষণাপত্র দ্বারা জানিয়ে দিতে হ'ল এদের মুক্তি দেয়া হবে না। শ্বেতাঙ্গ প্রভুরা আমরা যে তোমাদের অনুগত ভৃত্য; তোমাদের যা কিছু ভাল লাগে বা মন্দ লাগে আমরা সেই ভাবে বাংলায় রাজত্ব চালাচ্ছি। তোমাদের Captainগিরি ঠিক আছে, আমরা সারেংএর দল তোমাদের নির্দ্দেশে বাংলায় রাষ্ট্র-তরণী পরিচালনা করছি। আমি Sir Nazimuddinকে জিজ্ঞাসা করি এই সমস্ত ছেলেদের কারাগার থেকে মুক্ত করে তাঁর যা অভিজ্ঞতা হয়েছে তাতে কি তিনি মনে করেন তারা পূর্ব্বের কর্ম্মপন্থায় ফিরে গিয়েছে? গুপ্তহত্যা, ডাকাতি, প্রভৃতির দ্বারা স্বাধীনতা পাওয়া যায় না, এটা বুঝে তারা তাদের জীবনকে নূতন রাজনৈতিক অভিজ্ঞতার দিকে পরিচালিত করছে। এমতাবস্থায় নিজেদের মতামত এবং আদর্শের জন্য যারা জীবন বিসর্জ্জন দিতে কুণ্ঠিত হয়নি, যারা কারাপ্রাচিরের অন্তরালে থেকে, তিলে, তিলে নিজের জীবনকে ক্ষয় করতে বিন্দুমাত্র দ্বিধা বোধ করেনি, তারা যখন প্রকাশ্যভাবে মত পরিবর্ত্তনের কথা ঘোষণা করে গভর্ণমেণ্টের কাছে উপস্থিত হয়েছেন, তখন কোন্ বিশ্বাস বলে বাংলা গভর্ণমেণ্টের কর্ণধার Sir Nazimuddin এদের সম্বন্ধে সন্দেহ প্রকাশ করবার অবকাশ পেয়েছেন? কাজেই আমি জনসাধারণের পক্ষ থেকে, বাংলার শান্তি, শৃঙ্খলার পক্ষ থেকে Sir Nazimuddinএর কাছে দাবী জানাচ্ছি তিনি এই প্রকার দাস সুলভ মনোবৃত্তি পরিত্যাগ করে এই বন্দীদের ভাগ্য সম্বন্ধে বিবেচনা করুন।

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, the motion that has been moved by my honourable friend Dr. Nalinaksha Sanyal brings before us a very knotty question from one point of view. So far as the release of political prisoners in Bengal is concerned the Congress attitude, as I have understood it, has always been not to ask for any conditional release. It may, therefore, be asked why then when the Government have withdrawn the proposal of conditional release, we should come forward and insist on the continuance of the old policy of the Government, namely, to release certain prisoners on terms and conditions. As I understand it, it is because the Government has in this case at least eaten up its own words. It is not that we are asking the Government to offer conditional release to certain prisoners, but that we think the Government ought not to go back upon its declared policy. Sir, in the communiqué of the 14th November, Government declared that "in the case of the remaining 40 prisoners still in jail, they are not prepared to dispense with the conditions in their cases but are issuing orders that they may be released at any time

on accepting the conditions prescribed by the Government." Therefore, Sir, Government promised at least to those prisoners who were offered conditional release that they might choose their time to accept the conditions offered. The whole policy of the Bengal Government with regard to the release of political prisoners has been a policy that has been not only open to serious criticism, but it is a policy which to all sections of nationalist opinion appears to be quite a reprehensible policy. These political prisoners went to jail long before the inauguration of the present constitution. When most of these prisoners were in the Andamans, they went on a hunger-strike just after the inauguration of the present constitution. At that time nobody else but the present Chief Minister held out the hopes that their case would be very sympathetically considered. That was in August, 1937, but since then the Government policy went the wrong way. The Government appointed an Advisory Committee not of course with a view to release all prisoners, but still they did not propose at that time to withhold any case from the consideration of the Committee. They placed all the cases before the Advisory Committee although as I have said they had no intention to release a large number of these prisoners, and particularly the long-term prisoners. What was the effect? When the Government came into power, there were 457 terrorist prisoners. Apart from 124 prisoners who had only an insignificant part of their sentences yet to serve and the 94 prisoners that were released on the expiry of their terms, the cases of the remaining 239 prisoners were referred to the Advisory Committee on whose recommendation only 149 prisoners were released.

But Government did not consent to release any of the long-term prisoners. None of the Chittagong prisoners was released; none of the Inter-Provincial Case prisoners was released; none of the other long-term prisoners, again, was released at all. Only the short-term prisoners—prisoners whose release was due within a year or two—had been released in pursuance of the Government decision on the recommendation of the Advisory Committee.

Now, Sir, the Government ought to say why it is going to change its policy even with regard to those forty prisoners who were offered conditional release. Sir, we know that this Government is going to treat very shabbily even the prisoners that have earned their release by serving their long-term sentences. Prisoners who were released only the other day after long years of imprisonment have been taken away from the jail gate and detained under the Defence of India Rules. I know that at least three prisoners who were released from the Dum Dum Central Jail after having served full-term sentences were re-arrested at the jail gate. Government ought to explain why such things should happen and why Government is going to adopt such a policy of repression. These prisoners when they were in jail were not

surely conspiring against Government, they were not taking part in any subversive movement at all. Why have they been rearrested then after having served the full terms of their sentences? It is apparent, Sir, that a Government which can treat the released prisoners in this fashion will withdraw the terms and conditions on which they offered release to others. This Government will of course take shelter behind the so-called altered circumstances. But, however the circumstances may have altered, how can the Government assume that these prisoners were still engaged in any subversive movement when they were in jail? Not only that. Those prisoners who have been released but have not been rearrested as yet are being pursued by the police in one way or another. The police is going to make their life thoroughly miserable. What is the use of releasing prisoners if you mean to take them back into the jail?

Mr. SPEAKER: I am afraid that is a question which is not at issue. Your statement is inconsistent with the motion under discussion. You are saying that it is useless to release these prisoners. Then why is this motion at all?

Rai HARENDRA NATH CHAUDHURI: We do not say that prisoners should be released only for harassment, that is not our point. Our point is that these prisoners, when released, ought not to be rearrested or harassed. But then the Government ought to explain, Sir, why it is going back upon its policy declared in November, 1939. With these few words, Sir, I support the motion moved by my honourable friend Dr. Nalinaksha Sanyal.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, in rising to support the motion of Dr. Nalinaksha Sanyal I shall only refer to two points raised by Sir Nazimuddin. In objecting to the motion, Sir Nazimuddin referred to law courts. We never have the pretension to challenge the authority of the law courts. We know that these boys have been properly convicted by properly constituted law courts and special tribunals, but what my point is that after all Government agreed to release them under certain conditions. Therefore, the question of their conviction by law courts or special tribunals does not arise. Then he referred to the circumstances which led the Government to alter its policy. We have a right to know, Sir, from the Government what are those altered circumstances which led Government to alter its policy. Personally speaking, I do not hold Sir Nazimuddin responsible for this state of affairs nor do I hold Mr. Porter responsible for it; it is the business of the all-knowing, the all-pervading and the all-powerful Special Branch of the Calcutta Police. I know, Sir, that this Branch of the Calcutta Police can dictate terms to the Hon'ble the Home Minister and to the Secretaries and Deputy

Secretaries of Government, and these matters entirely depend on the whims and caprices of some of the officers of the all-powerful Special Branch. There might have been altered circumstances, but this concerns a solemn promise made by Government and it is a question of confidence in the Government.

Now, Sir, Government promised to release these prisoners on certain terms and conditions, but the latter did not agree to accept those terms and conditions. It may be that they considered the question of their prestige above all other things, and they did not agree to sign the bond. It may be that afterwards on account of altered circumstances or some pressure from friends they agreed to sign the bond.

Sir, my next point is that if these 40 men had been released by Government, Government could have gained the confidence of these men as well as of the public. And even then those forty persons could have been rearrested after their release and prosecuted under the all-powerful and all-pervading Defence of India Rules, particularly rule 26. Moreover, the release of these men might have had a great propaganda value so far as the Government is concerned. But, Sir, Government is perhaps afraid that these prisoners, if released, might create internal trouble. I ask Government why is it that they apprehend trouble from these men? Can Government cite one single instance of an overt act or of subversive activity from those persons who have been released by the present Government? I am afraid Government cannot. Sir, if a section of the population cannot rely upon the Government on a small matter like this, how can we depend upon this Government and the Central Government as well when they profess to do bigger things for India. Sir, I think it is all a question of policy with the Government. The policy as had been decided upon by Government was that these prisoners should be released: and then, when there is no document before Government and no case before any court of law that these prisoners before their release had had any recourse to subversive activities, there is absolutely no justification for Government to keep these persons behind the prison bars any longer.

Sir, I can cite many instances in this House to show that the Hon'ble the Home Minister is absolutely helpless even though he has had the best of intentions to do something tangible in respect of certain political matters. I can quote here in this House one single but very small incident, and I cite it for the simple reason that Government have no confidence in the people of this country. I applied some time ago for a gun licence, and Sir Nazimuddin had on more than one occasion promised to give me one. I am entitled to have one gun, one revolver and one rifle. But the all-powerful Special Branch of the Calcutta Police reported against me and Sir Nazimuddin had no courage to grant me a gun licence. This is an illustration of the helpless position of the Hon'ble the Home Minister and his Secretary and

Deputy Secretary! Therefore, Sir, I would once more ask the Government to convince us as to what led them to change their policy. The policy of the Government is not a child's play and it is not merely a toy. A child takes up a certain course and changes it the next day. But this is a policy of the Government—a responsible Government, a Government responsible to the people and the Legislature. The Government accepted a policy one month ago and after one month they change their policy! It might be, as was referred to by Dr. Sanyal, due to the international situation. I ask the Government to tell us here whether it is the policy of the Government not to take us into confidence to save this Government and other Governments from internal troubles due to the international situation. You want our co-operation to save India from aggression from outside. You say all parties' co-operation is necessary, but when you face facts you say that you cannot do this. You apprehend internal troubles from some young men whom, as I have already said, you have rounded up in an hour's notice.

Sir, last of all I submit that this Government have no policy with regard to the release of political prisoners. They have no particular policy and the policy they enunciated they have not followed and they stand charged with the violation of their own promise.

Sir, with these few words I support the resolution of Dr. Sanyal.

Kazi EMDADUL HAQUE: Mr. Speaker, Sir, I rise to give support to Dr. Sanyal's adjournment motion which turns upon the release of terrorist prisoners before their full term of imprisonment. We do not believe that Government do anything haphazardly particularly on a most vital question like this. It is true that Government have decided to release the prisoners recently and it is expected that their decision was based upon an examination of the cases of those prisoners, certainly after Government had fully investigated into the cases of those prisoners and when they found that it would be innocuous and inoffensive to let them be released, they decided upon this course. From this it is presumed that when Government decided to release these prisoners before their full term has been served out, they found something in favour of these prisoners. They found perhaps that these prisoners had given up their old policy and their old method. They were certainly patriots. Whatever type of prisoners they might be, they were actuated in the very beginning by a spirit of patriotism, but their method was wrong. They did not at that time consider that their method was wrong, but subsequently they were fully convinced that their method was erroneous and that they should not pursue that course again. By their conduct during the time that they had been in prison they convinced the Cabinet that if they were set free they would not pursue the same method any more; they have become docile and they

would no longer be violent but they would adopt the non-violent creed. This much they convinced the Cabinet and, for the matter of that, the Hon'ble Minister in charge of that particular department. He was fully convinced that they had given up their old habits, that they had given up their old policy and they would not pursue that policy. Being fully convinced the Cabinet came to the decision that these prisoners should be set free on certain conditions. Had the prisoners been as stubborn as before they would not have submitted to these conditions, they would not have submitted to these undertakings. When they wanted to give undertakings to the Government, it showed beyond doubt that they were changed men altogether and since the time they gave those undertakings up till now they have been in Government custody. What has happened in the meantime which has actuated the Government to change their policy of release. They have not come in contact with the outside world or with the outside people and so they cannot be guilty of any suspicion. But they have been all along in Government custody. Have they done anything inside the jail which makes the Government take a different course? If the Government cannot show that during this time, during the time when they gave undertaking up till now they have done something which Government consider a ground for not releasing them as they promised, if the Government cannot show that they have been guilty of any such thing inside the jail during this time, then there is no case made out by the Government for taking up a different attitude. When the Government committed itself to a policy of release, let them pursue that policy. Let the Government earn the gratitude not only of those unfortunate boys who are inside the jail yet, but let them earn the gratitude of all of us, of all sections of the people. It is a time when we should try to combine ourselves into one nation. It is a time when all sections of the people should combine together. These young boys may be utilised by you even in your war efforts. It may be to your advantage. So why don't you release them? I appeal to you most earnestly that the course that you have adopted should be altered, that the policy of release of prisoners should be continued by you and you shall thereby earn the gratitude of all of us.

Sir, with these few words I support the motion of Dr. Nalinaksha Sanyal.

Mr. JOGESH CHANDRA GUPTA: Sir, I rise to support the motion that has been so eloquently put before the House by my friend Dr. Nalinaksha Sanyal.

Sir, at the outset I want to tell the House that when the Government puts forward the plea that these are cases of convicted prisoners, they should not at the same time lose sight of the fact that these prisoners were deprived of the cherished and precious right of a jury

trial. They were not given the opportunity of having the accusations made against them being weighed by their own men who knew the ways and manners of the people of this country much better. Not only they were not deprived of the trial by their own peers, but they had a different procedure to what ordinarily apprises the accused in a criminal trial. They were never furnished, before the cases were taken up or even when the cases were being heard, with the names of the witnesses on the plea that the disclosure of the names of witnesses is risky to the persons who will come and depose. Neither the defence lawyer nor the accused could come to know the names of those witnesses. In a criminal trial we are aware that prosecution witnesses are examined. Their statements become known to the accused and to the defence lawyers. They get time to obtain information regarding the status and the veracity of the prosecution witnesses and to give necessary instructions to the defence counsel to cross-examine and shift the truth. But in these cases witnesses whose names are not disclosed, witnesses about whom neither the accused, nor the defence lawyers, knew anything as to the points they are going to depose, gave their deposition and the defence lawyers were called upon then and there to cross-examine. I had been called upon and had the privilege of defending, if I may say so, most of the terrorist prisoners in these long-drawn trials and I can bear personal testimony to the immense difficulties and obstacles in the way of a proper defence. Apart from the fact that there were these difficulties we have also to remember that some cases were so long-drawn as to last for a year or even to run to another year, With the resources of Intelligence Branch and Special Branch Departments, all of them holding their office in the Court room in many instances, with their files there, just surrounding the Judges of the Special Tribunal, with all the resources, the Government lawyers were engaged in the case. Some of these prisoners had to defend themselves with the help of one or two lawyers who attended the trial throughout——

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. JOGESH CHANDRA GUPTA: Sir, I was discussing some mode of trial and the difficulties in the way of a proper defence. I know that the Hon'ble Home Minister will say that after that trial there was an appeal to the High Court and that they were convicted by a Special Bench of the High Court. We accept that there was a conviction, but I would ask the Hon'ble Minister to realise that the High Court Judges proceed upon records and unless proper facilities for defending the accused are granted as in ordinary criminal trials, one cannot expect that the defence will be able to make out a very

strong case before the High Court. I would, therefore, request the Hon'ble Minister not to make much of the fact that they are convicted prisoners. They are, but at the same time it has to be remembered what is the mode of their trial.

In the next place, I would ask the Hon'ble Minister to consider that in all civilized countries every progressive Government accepts that punishment is not meant as a punitive measure. Punishment is much less a vindictive measure. It may be that deterrent punishment is called for, but that word "deterrent" shows that they want to see that such offences are not committed. The humane theory of legislation regarding punishment indicates that jails are not meant to be punitive confinement cells. Moreover every civilized Government look upon jails as huge reformatories. There they attempt to make them useful citizens. We also hear of After-Care Associations. I would ask him not to forget these things, but to take all these into consideration in shaping a humane policy towards convicts. The object of deterrent punishment has been achieved. The object of reformation has been achieved the moment they agree to the conditions of Government, the moment they assure Government that they are going to lead a new life and to shun violence. I had the opportunity of judging these men, the stamina of these men, and I can assure the Hon'ble Home Minister that if he confides in them and if he treats them sympathetically, they will respond wonderfully. They will keep to their words and he will have no reason to be sorry but will have the self-satisfaction that a humane, considerate and sympathetic policy has resulted in relieving the Government exchequer of the burden of maintaining so many people in jail, and has resulted to a great extent in diminishing the public feeling against the Government which this detention has aroused amongst the families and relations of these people. I would, therefore, say that having once taken a bold policy they have done the greatest mistake in going back upon it, particularly at this time. I had an opportunity of talking with one of the members who had to deal with terrorists, a member belonging to the steel-frame sometime ago. While discussing about what would be their future activities, if they were released, at that time, I could gather the greatest apprehensions is that they would be preaching socialism and communism. I say to-day things have changed. Hitlerism has made the British and the Russians bed-fellows and now they ought not to look askance at people who may profess any Soviet principles. I think the present is the most inopportune time even considering the international situation and considering the present alignment of the British Government, to resort to a measure like this.

I think there are other speakers and I do not want to stand between them. But may I appeal to the Hon'ble Minister just to exercise a bit of his imagination, a bit of his sympathy, towards the insistent demand

from the public? Let us not forget that when we have got to approach our constituencies, whether it is the Congress Party, the Muslim League Party or the Proja Party, all talk about these people behind the prison bars. But after they are returned, when they are seated in the Treasury Benches, they ought not to forget, because if they forget they will have to repent about it at another time.

Babu NARENDRA NARAYAN CHAKRABARTY : মাননীয় সভাপতি মহাশয়—আজকে দীর্ঘ দিন পরে আমাকে এই পরিষদ গৃহে কিছু বলবার সুযোগ দিয়ে আপনি যে আমাকে বাধিত করেছেন তারজন্য প্রথমত: কৃতজ্ঞতা আপনার প্রতি নিবেদন করলেও আমি স্যর নাজিমুদ্দীনের কথা উল্লেখ না করে পারছি না। দীর্ঘ দিন, ইচ্ছায় হোক্ আর অনিচ্ছায়ই হোক্, আজ যাদের সম্পর্কে, যাদের মুক্তির বিষয়ে এই পরিষদ গৃহে আলোচনা হচ্ছে তাদের সঙ্গে একস্থানে থাকতে বাধ্য হয়েছিলাম। কাজেই আজ সকাল বেলায় সেই স্থান থেকে এবং তাদের কাছ থেকে মুক্তি পেয়ে আজ তাদের সম্বন্ধে কিছু বলবার, আমার অধিকার সব চাইতে বেশী বলে মনে করি। ১৯৩০ সনে, ১৯৩১ সনে এবং ১৯৩২ সনে আমি যখন জেলে গিয়াছিলাম তখন তাদের দেখেছি। তারপর যখন তারা শৃঙ্খলিত অবস্থায় তাদের অতিপ্রিয় জন্মভূমি পরিত্যাগ করতে বাধ্য হলো এবং সেই সুদূর অতি ঘৃণ্য আন্দামান দ্বীপের মধ্যে জীবনের সবকিছু বিসর্জন দিয়ে নির্বাসিত হ'ল, সেই দিনকার তাদের সেই শৃঙ্খলিত নির্বাসন-যাত্রার সেই করুণ স্মৃতি আজও আমার চোখের সামনে জল্‌জল্ করছে। উন্নত, ঋজুদেহ, সবল, সুন্দর সেই সব যুবকদের মূর্ত্তি আজও অতি স্পষ্টভাবে মনে পড়ছে। যাত্রার প্রাক্কালে তারা চিৎকার করে বলেছিল সেদিন,—"আমরা চললাম, ফিরে আসব কি না জানি না,—যদি আপনারা পারেন আমাদের ফিরিয়ে আনবেন"। সেদিন অন্য কোন কথা মনে হয়নি, শুধু এই কথাই মনে হয়েছিল যে তাদের ফিরিয়ে আনবার অধিকার আমাদের কি আছে? আমরা তো নিজেদের দেশে বাস করি না। আমাদের নিজেদের দেশ নেই। আমাদের বেঁচে থাকবার অধিকার আমাদের উপর নির্ভর করে না। আমাদের জীবন, আমাদের অস্তিত্ব, আমাদের আশা ও আকাঙ্খা, সুখ-দুঃখ, সবই নির্ভর করে বিদেশীর খেয়ালের ওপর। আমাদের মান, আমাদের ইজ্জৎ, আমাদের অধিকারের কোন স্বতন্ত্র অস্তিত্ব নেই। বিদেশীর খেয়ালএর মূল্য নির্দ্ধারণ করে। এখানে নীতি বলে কোন কথা নেই। এখানে সত্য অসত্যের, হিংসা অহিংসার, ন্যায়-অন্যায়ের কোন মানদণ্ড নেই। এখানে আছে শুধু একটা পুঞ্জীভূত বিরাট প্রহেলিকা। একটা সুদূর দেশের বৈদেশিক শাসনতন্ত্রের মূঢ় পশুশক্তি ও অন্ধ খেয়ালের উপর আমাদের সমস্ত নির্ভর করে।

অহিংস বলে আজ মহাত্মা গান্ধী হাস্যাস্পদ হচ্ছেন এই খেয়ালী পশুশক্তির উপাশকদের কাছে। এই পৃথিবীতে অহিংসার স্থান কোথায়? সত্য, অহিংসা, প্রেম, উদার মানবিকতা, আজকের হিংস্র দুনিয়ার কাছে নিছক পাগলামী ছাড়া আর কিছু ই নয়। হিংসাই হোক আর অহিংসাই হোক, ও সব আমাদের জন্য নয়। হিংসা বা অহিংসার আপেক্ষিক রূপ ছাড়া অন্য কোন রূপ এরা স্বীকার করে না। বিচার কর্ত্তে হবে, হিংসা বা অহিংসা নীতি কাকে রক্ষা করবার জন্য প্রয়োগ করা হচ্ছে। যদি আমাদের ছাড়া অন্য কাউকে

রক্ষা করবার জন্য হিংসা নীতি অবলম্বিত হয় তাহ'লে সেই হিংসা অহিংসার চাইতে শতগুণে শ্রেষ্ঠ বলে বিবেচিত হবে। যদি সৎপথে থেকে, অসৎপথে না চলে শুধু ভগবানের নাম নিয়ে তাঁর নির্দ্দিষ্ট পথে [illegible] চল্‌তে থাকি, তাহ'লেও দেখতে হবে আমি কার স্বার্থের জন্য এই অহিংস নীতি গ্রহণ করেছি। ভারতবর্ষের স্বার্থের জন্য যদি এই অহিংসা হয়, তাহ'লে সেই অহিংসা হবে পাপের চাইতেও জঘন্য। কাজেই এখানে হিংসা নেই অহিংসা নেই, সত্য নেই মিথ্যা নেই, পাপ নেই পুণ্য নেই। কেবল বুঝতে হবে কার কল্যাণের জন্য,—আমাদের অথবা আমাদের শাসকদের কল্যাণের জন্য,—হিংসা বা অহিংসা নীতি অবলম্বিত হয়েছে। বিচারের আর কোন মানদণ্ড নেই। এই মানদণ্ডই আমাদের ভাগ্য গত দুই শত বৎসর পরিমাপিত হয়েছে এবং আজো হচ্ছে। অহিংসার পথে চলেও ভারতবর্ষ উগ্র ও অসহ্য অত্যাচারের হাত থেকে রেহাই পায় নাই,—আর সারা দুনিয়াকে রক্তের স্রোতে যারা স্নান করায়, তারাও মুষ্টিমেয় সন্ত্রাসবাদী বন্দীদের মুক্তি দেবার বেলায় হিংসা নীতির মহাপাপ মূর্ত্তির ছটা দেখাবার ভণ্ডামী ত্যাগ করতে পারে না। এদেশের শাসনতন্ত্র ব'লে আজ আর কিছু নেই। একটা মূঢ় স্বৈরাচার আজ ভারতবর্ষের ভাগ্যবিধাতা। এবং এরই অন্ধ স্বেচ্ছাচারের হুকুমে আজ আমাদের বেঁচে থাকতে হবে—মরতে হবে। এখানে নীতি নেই, আদর্শ নেই, কর্ত্তব্যাকর্ত্তব্য নেই। ভারতবর্ষের মৌলিক অধিকার বহুকাল পূর্ব্বেই অপহৃত হয়েছিল—আজ তার অস্তিত্বকেও শ্বাস রোধ করে হত্যা করা হলো। আজ Defence of India Rulesএর দোহাই দিয়ে ভারতবর্ষের শ্রেষ্ঠ সন্তানদের শান্তিরক্ষার অজুহাতে বন্দী করা হচ্ছে। ভারতবর্ষের রক্ষার জন্য আমাদের জেলে যেতে হবে। ভারতবর্ষের শান্তির জন্য আমাদের কারাগারে পচতে হবে। ভারতবর্ষের নিরাপত্তা—তা ভারতবাসীর বুকের রক্তেই পরিপূর্ণ হ'য়ে উঠ্‌বে ভাল ক'রে। সত্য ও ন্যায়ের এই নব-বিধান জগতে দুর্লভ। আমার সমস্ত জীবনেরই কথা আজ আমার মানসপটে জেগে উঠছে। এমন একটী দিনের কথাও তো মনে পড়ে না যেদিন স্বপ্নেও দেশের স্বার্থ-বিরোধী স্বপ্ন দেখেছি। একটা দিনের কথাও মনে পড়ে না যেদিন আমি কায়মনোবাক্যে আমার দেশের মুক্তি, স্বাধীনতা, শুভ এবং মঙ্গল কামনা করিনি। তবু আমি আমার দেশের শত্রু বলে বিবেচিত হয়েছি। কার দ্বারা? আমার দেশবাসীর দ্বারা নয়। আমাদের দেশকে চিরদিনের জন্য শৃঙ্খলিত করে রাখতে চায় যারা তারাই আজ উচ্চ কণ্ঠে ঘোষণা করেছে, যারা ভারতের মুক্তি চায়, তারা মানবতার শত্রু, যারা ভারতের স্বাধীনতার উপাশক তারা গণতন্ত্রের ঘাতক, পৃথিবীর শনি—মানব জাতির ধূমকেতু; আর যারা—থাক্। ভাগ্যের পরিহাস ছাড়া এর পেছনে আর কোন যুক্তি নেই।

আমি স্যার নাজিমুদ্দীনকে দোষ দিতে চাই না—তাঁকে সমালোচনা করে একটি কথাও বলতে চাই না। আমি জানি অনেক সময় তাঁর অজ্ঞাতেই অনেক কিছু ঘ'টে থাকে। কিন্তু আজ আমি বলব স্যার নাজিমুদ্দীনকে,—আমাদের কোলাহল মুখরিত অবচেতন [illegible] অন্তরালে অন্তরের মণিকোঠায় যে চির-সুন্দর আনন্দ-ঘন সত্তা রয়েছে, তার দিকে একবার ক্ষনেকের তরে তিনি ফিরে তাকান। অতি দীর্ঘদিন তিনি প্রভু-শক্তির নির্দ্দেশ দেবতার আদেশ ভেবে নিষ্ঠার সঙ্গে পালন করেছেন। আজ একবার

তাঁর অন্তর্দেবতার আদেশ পালন করতে তাঁকে আবার অনুরোধ জানাতে চাই। সমগ্র জগত আজ একটা বিরাট পরিবর্ত্তনের সম্মুখে দাঁড়িয়ে আছে। আগামী কাল হবে এর নবসৃষ্টির উদ্বোধন। ধ্বংসের দেবতা আজ জেগেছেন। অতি দীর্ঘ দিন, অত্যাচার ও অবিচার সারা পৃথিবীর হৃৎপিণ্ড খুঁড়ে খেয়েছে। আজ তাদের দিন ঘনিয়ে এসেছে। আজ প্রলয়ঙ্কর তাঁর হাতের বজ্র ছেড়েছেন অত্যাচারীর বুক লক্ষ্য ক'রে। জানি, এতে ক'রে শুধু অত্যাচারীই ধ্বংস হবে না। অত্যাচারীর সাথে সাথে পৃথিবীর কত আলো, কত সৌন্দর্য্য, কত গান, কত গাথা, সব নিঃশেষ হ'য়ে যাবে। কিন্তু আগামী কাল এই ধ্বংসস্তূপের ওপর যে বিরাট, যে মহান, যে সত্য-সুন্দর নবসৃষ্টি দেখা দেবে—আজকের সকল ক্ষতি সে পূর্ণ ক'রে দেবে তার নব-সম্ভাবনার প্রাচুর্য্য দিয়ে। তাই আজ আমি স্যার নাজিমুদ্দীনকে বলছি—একবার তিনি ভিতরের দিকে, তাঁর বিবেকের দিকে তাকান। একবার ঐ ভেতরকার ডাক, ভেতরকার নির্দ্দেশমত চল্‌তে চেষ্টা করুন। ভেবে দেখুন এই যে সব যুবক একদিন এদেরও গৃহ ছিল, পরিজন ছিল, আত্মীয়স্বজন বন্ধু-বান্ধব ছিল, সমাজ ছিল, আশা ছিল, আকাঙ্খা ছিল, বাসনা ছিল, কামনা ছিল—জ্যান্ত, রক্তাক্ত, অপরিসীম, অপরিতৃপ্ত সেই কামনা বাসনা, যেমন আমাদের সকলের বুকের ভেতর বাস করছে। তাদের আন্দামানে পাঠান হয়েছিল তাদের হত্যা করবার জন্য। কিন্তু তারা মৃত্যু ও তার অনুচরদের সকল রকম ষড়যন্ত্র ব্যর্থ করে ফিরে এসেছে আপনাদের দুয়ারে এই কথা বলবার জন্য—"আমরা জীবনে দেশকে ভালবাসবার যে অধিকার ও যে অপরাধ অর্জ্জন করেছি তার প্রায়শ্চিত্ত করবার সুযোগ দিন। আবার আমাদের বন্ধু-বান্ধব, আত্মীয়স্বজন, ও মায়ের কাছে ফিরে যেতে দিন। আমাদের নিজেদের কোন স্বার্থ নেই, আমাদের সমাজ, সংসার, ভবিষ্যৎ, আশা, ভরসা, সব কিছুই ধূলিসাৎ হয়ে গেছে। আমরা কেবল চাই দেশের সেবা করতে, আমাদের সেই সুযোগ দিন"।

গভর্ণমেণ্ট প্রথমে রাজী হয়েছিলেন এদের ছেড়ে দিতে কিন্তু হঠাৎ আবার বিরূপ হলেন কেন!

আমার বিশ্বাস স্যার নাজিমুদ্দীনকে না জানিয়েই এই রকম হুকুম দেওয়া হয়ে থাকবে। তিনি অনেক সময় চেষ্টা ক'রেও অনেক কিছু করতে পারেন না, সে কথা আমি জানি। এবং আরো জানি তাঁর অসহায় অবস্থার কথা। সরকারী ইস্তাহারে বলা হয়েছে যে আভ্যন্তরীণ অবস্থা ও বহির্জাগতীয় রাজনৈতিক অবস্থার জন্য পূর্ব্ব ব্যবস্থা অর্থাৎ এই সব রাজনৈতিক বন্দীর মুক্তির প্রতিশ্রুতি বর্ত্তমানে কার্য্যে পরিণত করা গেল না। অথচ ইস্তাহারে সেটা যে কি পরিবর্ত্তন—তার আভাষও দেওয়া হয়নি। শুধু সরকারপক্ষের দুচার জন কর্ম্মচারীই যে রাজনীতি বোঝেন এবং রাজনৈতিক পরিস্থিতি পর্য্যবেক্ষণে দক্ষতা অর্জ্জন করেছেন, একথা আমরা স্বীকার করি না। আজ হঠাৎ কি এমন পরিবর্ত্তন দেখা দিয়েছে যে যার জন্য মুষ্টিমেয় বন্দীকে মুক্তি দেওয়া গভর্ণমেণ্টের পক্ষে অসম্ভব হয়ে উঠেছে? এরা কি করতে পারত? কোন অঘটন এরা সংঘটন করত? কোন সে আশঙ্কা, যার জন্য চির-কারাবাস ব্যবস্থা এদের জন্য অপরিহার্য্য হলো? মাঝে মাঝে আমাদের জানানো হয়েছে যে এরা নাকি ভয়ঙ্কর বিপ্লবী—এরা নাকি সন্ত্রাসবাদী। আমি স্বীকার করে নিচ্ছি যে এরা সত্যই বিপ্লবী। এবং একথাও স্বীকার ক'রেই নিতে চাই যে মুক্তি পাবার পর

হয়তো এরা প্রতিশ্রুতি রক্ষা করতে পারবে না। হয়তো এরা সমগ্র দেশ জুড়ে বিপ্লব সৃষ্টির চেষ্টায় নিজেদের নিয়োজিত করবে। এবং তর্কের খাতিরে একথাও মেনে নিতে আমার আপত্তি নেই যে এরা সে চেষ্টায় সফলতাও লাভ করবে। কিন্তু তবুও আমি স্যার নাজিমুদ্দীনকে বলব যে এতো দীর্ঘকাল কারাগারে আবদ্ধ রেখে যখন তারা শান্তিময় জীবন যাপনের প্রতিশ্রুতি দিয়ে মুক্তি চেয়েছিল, এবং যে ব্যবস্থায় গভর্ণমেণ্ট রাজীও হয়েছিলেন—আজ সহসা নিজেদের প্রতিশ্রুতি ভঙ্গ করে গভর্ণমেণ্ট আর যাই করে থাকুন, দূরদর্শিতার পরিচয় দেন নি। মুষ্টিমেয় কয়েক জন যুবকের বিপ্লব চেষ্টায় কি হতে পারে? বিপ্লবের সব চাইতে শোচনীয় অবস্থা অশান্তি, অরাজকতা এবং চারিদিকে ভয়ঙ্কর বিশৃঙ্খলতা। এই বিপ্লবীদের কারাগারে আবদ্ধ রেখেও কি দেশে শান্তি আছে? নিরুদ্বেগে দেশবাসী বাস করছে—শাসন কার্য্য অব্যাহত ভাবে চল্‌ছে—দেশবাসীর জীবন, ইজ্জৎ, ধনসম্পত্তি নিরাপদ? ঢাকার দাঙ্গায় যা ঘটেছে তারচেয়ে বেশী বিশৃঙ্খলতার সৃষ্টি কি এই সব যুবকদের অনুষ্ঠিত কোন বিপ্লবের দ্বারা সংঘটিত হতে পারত? বিগত ৩০।৪০ বৎসর যাবৎ সন্ত্রাসবাদের ফলে কিছু লোক মারা গিয়েছে সত্য, কিন্তু তার সংখ্যা কত? এ দেশের এক একটা সাম্প্রদায়িক দাঙ্গায় কি তার চাইতে বেশী লোক মারা যায় নি? ঢাকার দাঙ্গায় এই গভর্ণমেণ্টের "প্রেষ্টিজ" যদি না গিয়ে থাকে, লোকচক্ষে এই গভর্ণমেণ্ট যদি ঘৃণ্য, জঘন্য এবং হেয় প্রতিপন্ন না হয়ে থাকে তাহলে ৩০ জন লোক এই গভর্ণমেণ্টকে অপদার্থ প্রমাণ করে কি কর্ত্তে পারে? ঢাকার দাঙ্গায় যে সমস্ত লোক অপরাধী প্রতিপন্ন হয়েছে এবং ভবিষ্যতে হবে তাদের আন্দামানে পাঠান হবে না। পাবনার, কুমিল্লার, চট্টগ্রামে, কলিকাতার দাঙ্গায় যারা অপরাধী সাব্যস্ত হয়েছিল—সে হিন্দুই হউক বা মুসলমানই হউক—তাদের কজনকে আন্দামানে পাঠান হয়েছিল? তাদের ভিতর কি নরঘাতক ছিল না? কোন্ অপরাধের জন্য তাদের বিচার হয়েছিল? তথাকথিত এই সব সন্ত্রাসবাদী ও দাঙ্গাকারীদের কৃতকার্য্যের মধ্যে পার্থক্য কি? এক মনোবৃত্তি ও আদর্শ ছাড়া আর কি পার্থক্য আছে? কিন্তু আজ পর্য্যন্ত কোন দাঙ্গাকারীকেও আন্দামানে নির্ব্বাসিত করা হয়নি। তাদের বিরুদ্ধে রাজ্যরক্ষা বা ভারতরক্ষা আইন প্রযোজ্য হয় না কেন? জানি এর জবাব আছে। দাঙ্গাকারীরা দাঙ্গা করে দেশবাসীর বিরুদ্ধে, দেশের লোকের তারা ধন-সম্পত্তি লুণ্ঠন করে, দেশের নারী জাতির ইজ্জতের উপর তারা আঘাত করে—আর এই সব যুবক ভালবাসে প্রাণ দিয়ে তাদের দেশকে, মরতে চায় তারা দেশের মুক্তির জন্য—স্বপ্ন দেখে স্বাধীনতার। ইংরেজের স্বার্থ-বিরোধী কিছু করতে গেলেই হয় সে দস্যু, মহাপাপী, সে হয় দণ্ডনীয়। তার মহাপাপের প্রায়শ্চিত্ত নেই। সে ক্ষমার অযোগ্য। মানুষ মারলে হয় পাপ, কিন্তু ইংরেজের স্বার্থের জন্য মানুষ মারলে হয় পুণ্য। ইংরেজের স্বার্থের যুপকাষ্ঠে যত খুশী নরবলি দিতে পার। চমৎকার বিধান! একটা নূতন ন্যায়ের ব্যাখ্যা, একটা নূতন বিধান জগতের সামনে বিঘোষিত হচ্ছে। আমি জিজ্ঞাসা করি স্যার নাজিমুদ্দীনকে, এই ৩০ জন লোকের কেন এত ভয়। যে গভর্ণমেণ্ট ৩০ জন যুবকের ভয়ে এত ভীত, এত সন্ত্রস্ত, সে গভর্ণমেণ্ট তো ধ্বংস হয়েই গেছে। যে গভর্ণমেণ্ট মনে করে যে ৩০ জন যুবকের কার্য্যকলাপ, গতিবিধি সংযত ও সংহত করা তাঁর পক্ষে

দুঃসাধ্য—সে গভর্ণমেণ্টের ন্যায়ত ধর্ম্মত শাসনতন্ত্র পরিচালন করবার কোন অধিকার নেই। সে গভর্ণমেণ্টের ধ্বংসই আজ কাম্য। সেই ধ্বংসস্তূপের উপর আজ নূতন বনিয়াদ গড়ে উঠুক। সেই বনিয়াদের উপর নূতন গভর্ণমেণ্ট প্রতিষ্ঠিত হোক। এই জঞ্জাল, এই কঙ্কালসার গভর্ণমেণ্টকে নিয়ে আমরা কি করব? আজ [illegible] ভয়ে সমগ্র দেশ ভীত হয়ে উঠেছে। ভারতরক্ষার নামে শত শত দেশনেতা ও দেশভক্তকে কারাগারে প্রেরণ করা হচ্ছে। যে গভর্ণমেণ্ট ৩০টী যুবকের ভয়ে মুহ্যমান—সে করবে দেশকে রক্ষা বহিরাক্রমণের হাত থেকে। আর এই হাস্যকর কথাও আমাদের বিশ্বাস করতে বাধ্য করান হচ্ছে!

আমি ১২ বৎসর ধরে জেলে যাচ্ছি। এখানকার অনেকেই জানেন না, বোঝেন না, জেলের ভিতরকার অবস্থা। সেখানে একটা অন্ধকার পুতিগন্ধময় পচা নরক গড়ে উঠেছে। স্যার নাজিমুদ্দীনকে আজ আমি স্মরণ করিয়ে দিতে চাই,—ভগবান নিজের হাতে তাঁকে কত বড় দায়িত্ব এবং অধিকার দিয়েছেন। সেই দায়িত্ব এবং অধিকারের মর্য্যাদা তিনি যদি রক্ষা না করেন তাহ'লে ভগবানের আশীর্ব্বাদের পরিবর্ত্তে কঠোর কুলিশ তাঁর শিরে বর্ষিত হবে। ভগবানের সেই অভিশাপ থেকে তাঁকে বাঁচাবার জন্য আজ আমি এই প্রতিবাদ করছি এবং এই নিবেদন জানাচ্ছি। স্যার নাজিমুদ্দীন তাঁর আসন থেকে উঠে পড়ুন। নিজে যান সেখানে। তাদের সঙ্গে দেখা করুন। তাদের কাছে যান্। তাদের সঙ্গে দেখা করে বুঝুন, দেখুন, তাদেব কত পরিবর্ত্তন হয়েছে। এখন তাদের প্রাণের পরম আকাঙ্খা দেশের কল্যাণ কার্য্যে নিজেদেব নিযুক্ত করা। ইংরেজের বিধানে দেশভক্ত মাত্রেই "ক্রিমিন্যাল", মহাপাপী, দেশের শত্রু। আমি যে পরিমাণে দেশের সেবা করব সেই পরিমাণে আমার ললাটে, আমার বংশের সমস্ত পরিচয়ের পেছনে থাকবে "নারকী, ঘৃণ্য, সয়তান" এই লেখা। স্যার নাজিমুদ্দীন এই দেশেরই লোক। তাঁকে আমি সনির্ব্বন্ধ অনুরোধ জানাচ্ছি এই সব যুবকদের কাছে যেতে, তাদের সঙ্গে আলাপ করতে। তিনি নিজে বুঝে আসুন, দেখুন, তাহারা কি চায়। তাদের তিনি নিজের বাড়ীতে স্থান দিন, দেখুন তারা কেমন করে তাঁর সঙ্গে আচরণ করে। তাঁর গৃহে যদি কেউ ব্যাধিগ্রস্ত হয়, যদি কেউ মৃত্যুমুখে পতিত হয়ে রক্ত চায় তবে এই ৩০ জন যুবক তাদের বুকের রক্ত দিয়ে সেবা করবে। মানুষের সেবাই তাদের ধর্ম্ম। মানুষের সেবার জন্য তারা সমস্ত কিছু বিলিয়ে দিতে পারে। স্যার নাজিমুদ্দীনকে আজ একদিনের জন্য অন্ততঃ নিজের বুদ্ধি ও বিবেককে অনুসরণ করতে আমি অনুরোধ করবো। একবারের জন্য তাঁকে আমি নিজের পায়ের ওপর দাঁড়াতে অনুরোধ জানাবো। একবারের জন্য তাঁকে আমি ইংরেজের প্রভাব মুক্ত হয়ে কাজ করবার জন্য আহ্বান করবো। দেশবাসীর সঙ্গে সহযোগিতার সপ্রেম স্পৃহা নিয়ে মানবতার মধুর সম্বন্ধ প্রতিষ্ঠিত করার জন্য একবার তাঁকে আত্মবিশ্বাসী হ'য়ে দাঁড়াতে আমি ব্যাকুল হৃদয়ে আহ্বান করছি। আমি প্রতিশ্রুতি দিতে পারি আমাদের সকলের সহযোগিতা তিনি লাভ করবেন। এই চরম বিপ্লবের মহূর্ত্তে যখন ভগবানের তূর্যধ্বনি চারিদিকে নিনাদিত হচ্ছে, তাঁর হৃদয়ে মানবিকতার স্নিগ্ধ জ্যোতি ফুটে উঠুক। সেই জ্যোতিতে অবগাহন করে তিনি নিজে ধন্য হোন্ এবং দেশকে ধন্য করুন।

Mr. P. BANERJI: Mr. Speaker, Sir, while I was listening to the pathetic appeals made by the previous speakers, I was thinking whether Sir Nazimuddin will rise equal to the occasion or whether these appeals will fall on deaf ears.

Sir, Dr. Nalinaksha Sanyal while moving his motion has given a vivid description of the state of affairs inside the jail. In spite of the fact that Sir Nazimuddin and other members of the Cabinet claim to be popular Ministers, the fact remains, as I have often said in this House, that the wirepulling by the members of the Indian Civil Service still continues. Sir Nazimuddin often used to say that the taste of the pudding is in the eating and he also said that the Government policy was of gradual clemency and from 457 prisoners in the jail, gradually the number has been reduced to 30.

Now, Sir, during the time that these terrorist prisoners, say, more than 427 in number, have been outside the jail, Sir Nazimuddin cannot cite a single instance of terrorism. Therefore, it comes to this that terrorism has been a thing of the past. If that is so and if the Government agreed of its own motion to release these 30 terrorist prisoners by signing certain declarations, was it not fair on the part of Government to release them forthwith as soon as those declarations were signed? What is the reason and what can be the possible argument by the Government for not releasing these 30 prisoners? As Dr. Sanyal disclosed, the reason of their not releasing them was safety on account perhaps of the international situation. Mr. Narendra Narayan Chakravarty has already told us that if the Government are afraid of the release of these 30 persons, it is better for this Government to abdicate.

Now, Sir, if we go into the details of terrorism in this country we find—and I have often said in this House for the last 12 years—that terrorism is the creation of this Government and so long as terrorism exists there is the justification for Intelligence Branch and Special Branch's permanency. Therefore, if the Government act on the advice of the Intelligence Branch and Special Branch Departments, they will be always heading for a crisis. We find that terrorism is no more, but as I have said this terrorism has been caused by this Government and members of the public are clapped in the name of terrorism. Sir Nazimuddin has attempted to prove that these persons have been put on trial by courts and tribunals. Mr. Jogesh Chandra Gupta, knowing these persons well and with his experience as an eminent lawyer, has vividly described how these trials are sham and mock trials. If Sir Nazimuddin will go into details, he will find that in many cases persons have been sent to prison and after that these persons were found to be absolutely innocent, because subsequently it transpired that these persons who were put in jail were immediately released as in the Narayangarh case. It cannot always be said that persons who are sent to jail are really terrorists. It may be that there are many

innocent persons among those who are put into jail. There have also been instances in which revolvers have been put into the hands of these men by the agents of the Intelligence Branch and Special Branch with the result that they have created these cases for the justification of their existence.

Now, Sir, if Sir Nazimuddin's Government claim to be a popular Government, it is in the fitness of things that these 30 prisoners should be forthwith released. I would in the end appeal to Sir Nazimuddin that, instead of defending his bad case and supporting his satellites, he should stand up here and say that he will forthwith order the release of these persons.

Mr. ATUL CHANDRA SEN: Mr. Speaker, Sir, I beg to accord my whole-hearted support to the motion of adjournment placed before the House by my honourable friend Dr. Nalinaksha Sanyal. After long long years of agitation and struggle the country got what is called in a way a democratic form of Government. Now, in order to prove that this Government are really a democratic form of Government, after taking office they declared that they would fulfil the political aspirations and the ideals of the people. Just in the beginning of the year 1938 the Government were faced with a situation, namely, the situation relating to political prisoners in jail. Negotiations started between Mahatma Gandhi and Srijut Subhas Chandra Bose, who was then the President of the Indian National Congress, on the one hand and the Hon'ble Sir Nazimuddin on the other. Now, it seems that Sir Nazimuddin could not persuade himself thoroughly to accept the point of view of Mahatma Gandhi and Srijut Subhas Chandra Bose. Even as late as 8th December, 1939, the Hon'ble Sir Nazimuddin in reply to a question by Mr. Jogesh Chandra Gupta said, "If a man who has committed a crime gives an undertaking that in future he won't commit any more crime, we are not prepared to release him. If once a man commits a crime, how can we expect that he will not do so again? Everyone who has committed a crime may be prepared to give such an undertaking." That will explain the Hon'ble Sir Nazimuddin's point of view. The Hon'ble Sir Nazimuddin would not persuade himself to believe that these people, these so-called terrorists form a class by themselves. They are criminals indeed in a way, but what is their crime? Their one crime, their great crime is this that they love their country very very dearly and are prepared to pay dearly for it. Unfortunately, Sir Nazimuddin during these long years has not persuaded himself to believe that if they have transgressed the limits of law, they have not done so with a motive of self-interest and self-aggrandisement or anything of that kind, but they were actuated with the best of motives. If this fundamental fact is remembered, the whole thing becomes easy of solution. Sir Nazimuddin in reply to another question put by Mr. Nishitha Nath Kundu on the 1st of

March, 1940—by this time he seems to have changed a bit under pressure of public opinion—said "yes, we are prepared to release these people, but certain conditions are to be imposed on them". The conditions are, he said, "a declaration by the prisoner on his word of honour that he has abandoned terrorism and undertakes that he will not in future resort to terrorism or acts of violence with a political motive and that he will not join as a member or support any party or organisation which employs or instigates terrorism and acts of violence for political ends." These people were required to give an undertaking to this effect. Some of them gave and some took time to think whether they would give this undertaking. The point is that the Hon'ble Sir Nazimuddin cannot persuade himself to believe that if these people do give an undertaking, they will follow it, they will carry it out to the last breath left in them. He cannot distinguish between these people and ordinary criminals. What I have got to say again is that you extracted these undertakings from these people. Now after years you say that conditions have changed and therefore Government do not stand committed to that policy. The question I put to Government straight is this: Why do you say that conditions have changed? You say that international situation has developed, you say that the war is at the door of India. It may be so, but whose fault is it that Government cannot harness to itself the fire and enthusiasm that is in the breast of these people? Why is it that you cannot use the patriotism that is in them? They are good fighters. That has been proved. You will say it is high politics, it is no concern of the Government of Bengal. I can understand that, but you can do one thing. You can release these people and I can assure you that they will help you a good deal, as my friend Mr. Narendra Nath Chakravarty has pointed out, in restoring the normal peaceful condition of the country. I know, Sir, that Mr. Pratul Chandra Ganguly and 6 or 7 security prisoners of Dacca have written a letter to the Hon'ble Sir Nazimuddin requesting him to release them temporarily at least, so that they may devote themselves to bring about peace and amity in the unhappy city of Dacca. That shows which way the wind blows; that shows how the revolutionaries think and what they want. That shows that they want to restore peace and amity in this country. Why in the name of mere condition and mere change of condition, do you detain them any longer? As a matter of fact that is a false excuse, false plea put up by the Hon'ble Minister in support of their detention of these people for any length of time. Unfortunately the Hon'ble Minister in charge of this department has all along tried to show that these people do not form a class by themselves, that they are not to be accorded different treatment, that they are not to be called political prisoners and that there is no reason whatsoever to give them preferential treatment. This psychology has got to be given up, this psychology has got to be abandoned. Try to believe that these people

have changed, persuade yourself to believe that they will do well to the country, they will do all that is within their power to restore peace, amity and normal condition in this country, and release them forthwith. You will thereby not only get their blessings but your political foresight will be tested and the country will say that once at least the Government have done an act for which they will earn the eternal gratitude of the people.

With these words, Sir, I accord my whole-hearted support to this motion.

Mr. ASIMUDDIN AHMED : মাননীয় সভাপতি সাহেব, ডা: নলিনাক্ষ সান্যাল যে Adjournment Motion এনেছেন সে সম্বন্ধে আমি দু একটা কথা বলছি। আমি বলতে চাই গভর্ণমেণ্ট যে কারণে এই কয়জন যুবককে বন্দী করে রেখেছেন সেই কারণেই তাদের মুক্তি দেওয়া উচিত। International situation যা দাঁড়িয়েছে এই অবস্থায় গভর্ণমেণ্ট যদি এই কতকগুলি লোককে বন্দী করে রাখেন তাহলে গভর্ণমেণ্টের পক্ষে, দেশের লোকের মনের সাহায্য, প্রাণের সাহায্য বা আর্থিক সাহায্য বা কোন রকম সাহায্য পাওয়ার সম্ভাবনা নাই। কাজেই আমি বলতে চাই গভর্ণমেণ্ট যদি বুদ্ধিমত্তানুসারে কাজ করতে চান এবং কতকগুলি Police officer বা Intelligence Branch Officerএর পরামর্শে প্রভাবান্বিত না হয়ে কাজ করতে চান তাহলে রাজনৈতিক বন্দীদের অবিলম্বে মুক্তি দান করুণ। এই ভাবে তাঁরা বাংলা তথা সারা ভারতের লোকের আশীর্ব্বাদ নিতে পারবেন এবং তাঁদের সাহায্য নিতে পারবেন। আমি বলতে চাই হয়ত কেহ ভুলে অপরাধ করে ফেলেছে কিন্তু এতকাল জেলের ভিতর থেকে তাদের মনের ভাব পরিবর্ত্তন হতে পাবে। মানুষ চিরকাল একটা ভাব বা একটা ধারণা নিয়ে থাকতে পারে না। কাজেই তাদের মনের ভাব পরিবর্ত্তন হয়েছে কি না সেটা পরীক্ষা করে দেখা গভর্ণমেণ্টের উচিত ছিল, তাদের একবার ছেড়ে দিয়ে দেখা উচিত ছিল তারা ভাল ভাবে চলে কি না। এটা গভর্ণমেণ্টের পক্ষে অত্যন্ত দুর্ব্বলতার লক্ষণ যে কয়েকটি লোককে জেলে বন্দী করে রাখলেই দেশে শান্তি আসবে এবং লক্ষ লক্ষ সৈন্য এবং বড় বড় Officerরা দেশের শান্তি রক্ষা করতে পারবে। এমন কথা বললে একজন বালকও হেসে উঠবে। গভর্ণমেণ্টের কাছে আমার অনুরোধ তাদের একবার ছেড়ে দেওয়া হউক। তারপর দেখুন তারা যদি পুরাতন ভাবের, নীতির পরিবর্ত্তণ না করে তবে তাদের গ্রেপ্তার করে আবার জেলের মধ্যে রেখে দিতে পারেন। এটা গভর্ণমেণ্টের পক্ষে বিশেষ কষ্টকর হবে না। তাই বলি, Sir Nazimuddin একটু সাহস করে এই ব্যবস্থা করে দেখুন কি হয়, যদি বিপরিত অবস্থা হয় তাহলে, তখন সেই রকম ভাবে আবার কাজ করতে পারবেন। এই কথা বলে আমি এই adjournment motion সমর্থন করছি।

Mrs. HEMAPROVA MAJUMDAR : মাননীয় সভাপতি মহাশয়, আমি এই adjournment motion সর্ব্বান্তঃকরণে সমর্থন করছি। এ সম্বন্ধে বিগত চার বৎসর ধরে বহু আলোচনা এবং বহু আবেদন নিবেদন করা হয়েছে। এ পর্য্যন্ত মাত্র দশ জন বন্দিকে condition করে ছেড়ে দেওয়া হয়েছে। এর পরে যখন বাকী ৩০ ত্রিশ জনকে condition করে ছাড়ার

কথা উঠল তখনই Home Department বললেন আর হবে না। যারা দেশের জন্য জীবন বিসর্জন করেছে, নিজেদের সুখ স্বাচ্ছন্দ ভবিষ্যত বিসর্জন দিয়ে দেশকে ভালবেসেছে সেই সব ছেলেরা আজকে গভর্ণমেণ্টের কাছে সই করে দিতে পর্য্যন্ত প্রস্তুত হয়েছে। কিন্তু তা সত্ত্বেও আজ Home Department তাদের ছেড়ে দিতে রাজী নন। এর চেয়ে দুঃখের বিষয় আর কি হতে পারে। মানুষ মনুষ্যের কাছে মনুষ্যত্বেরই পরিচয় পেতে চায়। যারা দেশের জন্য সমস্ত বিলিয়ে দিয়েছে, বন্দী অবস্থায় বাপ মা ভাই বোন পরিবার পর্য্যন্ত হারিয়েছে, কেউ কেউ জীবন পর্য্যন্ত বিসর্জন দিয়েছে, তারা আজ condition করে মুক্তি পেতে রাজী। মানবতার একটা দিক সকলের মধ্যেই আছে। আজ Sir Nazimuddin ভুলে গেছেন তিনি সন্তানের পিতা। অপরের ছেলেকে বন্দি করে রাখতে তাঁর কি একটুও বাঁধে না? যারা আমাদের দেশের কেউ নয় তারা নিজেদের স্বার্থের জন্য হয়তঃ আমাদের দেশকে পরাধীন করে রাখতে চায়। কিন্তু Sir Nazimuddin এদেশেরই মানুষ, সন্তানের পিতা, মানবতার ভাবধারা তার ভেতরে থাকা স্বাভাবিক। তাঁর কাছে দেশের দাবী গ্রাহ্য হতে পারে। আজকে শুধু এই কথাই বলব, আপনারা ভাবুন আজকে যারা নিজেদের বিবেকের বিরুদ্ধে condition সই করে দিতে চায় তাদের কেন ছেড়ে দেওয়া হবে না। দেশবাসী আপনার কাছে তার কৈফিয়ৎ চায়। আজ ইংরেজদের যে সব ছেলে দেশের জন্য প্রাণ দিয়েছে তাদের নাম স্বর্ণাক্ষরে লেখা থাকে, আর আমাদের দেশের ছেলেরা দেশকে ভালবাসলে তাদের কারাগারে পুরে রাখা হয় অথবা আন্দামানে পাঠান হয়। আজ যদি European Minister হত তাহলে আমি এরকম প্রার্থণা করতাম না। আজ আমি আপনার কাছে মানবতার প্রশ্ন নিয়ে দাঁড়িয়েছি। মানুষ হিসাবে আপনাকে তার উত্তর দিতে হবে। এ কার্য্যের জন্য ভাববেন না ভগবানের আশীর্ব্বাদ বা অভিসম্পাতের ভাগী আপনি হবেন না। আজ যে সব ছেলেরা ১৫।২০ বৎসর পর্য্যন্ত অবলীলাক্রমে বন্দি হয়ে রয়েছে তারা তাদের বিবেকের বিরুদ্ধে condition দিয়ে মুক্তি পেতে চায়। তাদের ভালমন্দের দায়িত্ব আজ সম্পূর্ণ আপনার উপর নির্ভর কচ্ছে তাই আমি এখানে দাঁড়িয়ে আপনাকে অনুরোধ কচ্ছি " Sir Nazimuddin! আপনি এদের মুক্তি দিয়ে দেশের ও দশের এবং সঙ্গে সঙ্গে ভগবানের আশীর্ব্বাদ বহন করুন, আর যদি আমার এ অনুরোধ রক্ষা না করেন তবে ভগবানের অভিসম্পাতই আপনাকে কুঁড়িয়ে নিতে হবে।"

Mr. A. M. A. ZAMAN: মাননীয় Speaker মহোদয়, মুসলমান ধর্ম্মে রয়েছে যখন কোন ভাল কাজ করতে হয় তা মগ্‌রিব নামাজের পূর্ব্বে এবং আছরের নামাজের পরে আরম্ভ করতে হয়, তাহলে সত্য কথা সেখানে প্রকাশ হয়, মিথ্যা কথা সেখানে জাহীর হয় না। এই কথা আমাদের হাদিশ এবং কোরানে রয়েছে। আজকে যে জিনিষটা আমরা নামাজের পর আরম্ভ করেছি, যাঁর হাতে জিনিষটার ভার রয়েছে উনিও একজন নামাজী, ঠিক time মত নমাজ পড়েন এ ধারণা আমার আছে।

Mr. SPEAKER: Mr. Zaman, you are wholly going beyond the point. Please do not refer to what one does or does not do but confine yourself to the question under discussion.

Mr. A. M. A. ZAMAN: আমি আপনাদের কাছে নিবেদন করছি, আমরা আজকে যাঁদের মুক্তির জন্য আন্দোলন করছি একদিক দিয়ে দেখতে গলে তাঁরাই আমাদের মুক্তি দিয়েছেন। এ দেশে যদি Terrorist movement এবং Political movement না হ'ত তাহলে Constitution এর change হ'ত না। তাহলে আমরা এখানে গণ্ডায়, গণ্ডায় এসে বসবার অধিকার পেতাম না। আজ যাঁরা আমাদের মুক্তি এনে দিয়েছেন, যাঁরা আমাদের এখানে বসবার অধিকার দিয়েছেন, আজকে আমরা তাঁদের মুক্তির জন্য চেষ্টা করছি। এটা একেবারে উল্টা ভাবে হচ্ছে, তার কারণ আমাদের দেশ অধীন।

আজকে Sir Nazimuddin সাহেবের হাতে ক্ষমতা রয়েছে। ওনার জানা আছে, যদি কোন লোক অন্যায় করবার পরে দেখা যায় যে future এ ভাল ভাবে চলবে, তবে তাকে ছেড়ে দেওয়া হয়। অনেক সময় চোর এবং দাগী আসামীকে Criminal Tribes Actএ তিন, চার বছর আটকে রাখা হয় এবং তারপর যদি দেখা যায় যে, তারা ভাল ভাবে চলছে তখন তাদের release করে দেওয়া হয়। আজকে এই সমস্ত Political prisoners bond দিয়ে, Government যা বলছেন সেটা মেনে নিয়ে বেরিয়ে আসতে চায়। এটা তাঁদের মুখ দিয়ে এতদিন গভর্ণমেণ্ট স্বীকার করাতে পারেন নি। আজ তাঁরা ঘৃণা ভরে বলছেন terrorism জিনিষটা খারাপ। এত বড় সুযোগ হাতে পেয়ে গভর্ণমেণ্ট কেন সেটা নিতে চান না, সেটা আমি মোটেই বুঝতে পারি না। গভর্ণমেণ্ট এখন, এমন কি বা বিপদে পড়লেন যে ওনারা পূর্ব্বে যেটা declare করেছিলেন সেটা এখন withdraw করছেন। এ কথাটা দেশবাসী কিছুতেই উপলব্ধি করতে পারছে না। আমি প্রথমেই বলেছি ওঁদের জন্য আমরা আজ এই Assembly তে আসবার অধিকারী হোয়েছি। ওঁদের জন্যই দেশের আবহাওয়া উল্টে গিয়েছে। আমাদের ধর্ম্মে রয়েছে স্বাধীনতা ছাড়া কোন ধর্ম্ম বা জাতি বাঁচতে পারে না। তাই ওঁনার কাছে আমার অনুরোধ সেই দিক দিয়ে উনি দেখুন, এবং মুসলমান হিসাবে ভাবুন, এবং যা কর্ত্তব্য হয় অবিলম্বে করুণ। ওদের মুক্তি দিয়ে দেশকে দেখিয়ে দিন, এইবার ওদের মুক্তি দিয়েছি, ওরা এবার দেশের আইন মেনে চলছে।

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, listening to the speeches one would feel that these prisoners have been anxious to be released, and that the Government communiqué has prevented these people from being released. Actually, however, the facts are, to a large extent, quite to the contrary. Really speaking, as far as this motion is concerned, if there is anybody who has got a grievance, it is the mover of this adjournment motion, Dr. Nalinaksha Sanyal, and I am prepared to admit that he has got a genuine grievance in this matter. But apart from the fact that this motion has given an opportunity to some of the members to ventilate their grievances, the case that has been made out by them is not based on the facts as they actually are. According to Dr. Nalinaksha Sanyal, it was he who initiated the move to get these prisoners to agree to a conditional release, but Government had already made that offer at least a year and a half ago. Government

had been anxious all along that these prisoners should accept conditional release and be allowed to go away from the jails. Why was it then that this conditional release offer was not accepted? We do not know why these people did not take advantage of this for the last eighteen months. One of the reasons, perhaps, may be, as stated by Rai Harendra Nath Chaudhuri, that at least one section of the Congress or the group led by Mr. Sarat Chandra Bose did not believe in conditional release. They did not approve of the conditional release. They did not want these boys to go out on any condition. To-day Government are being blamed for having refused to release these people. For eighteen months these boys and some of the convicted prisoners who could have been released and who could have gone to their homes and to their families, if they had accepted the terms and conditions offered, are still rotting in jails. Even then Government had not taken away those terms and conditions: Government offer was still there for acceptance——

Babu NARENDRA NARAYAN CHAKRABARTY: দেরী হোলে কি তামাদি হয়ে যাবে ?

Mr. SPEAKER: Order, please. Again I appeal to the members of the Opposition to give a patient hearing to the Home Minister, and if there is still time after he concludes his speech, I may allow you to put questions.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I could have interrupted many of the members of the Opposition, while they were speaking, very pertinently, but for obvious reasons I refrained from doing so.

Sir, the offer was there for a long time and, if accepted, they could have been released. Even at the time of the hunger-strike we were anxious that if these people could have gone away, the chances of the hunger-strike would have been less. Government was all along anxious that if the conditional release offer had been accepted, that would have been better both for these people as well as for Government. As is probably known to the mover of this resolution, a particular Superintendent of a Jail had been doing his best in this matter. That Superintendent always used his influence to the utmost to persuade these people to accept conditional release. I had discussed this matter with him and requested him to use his best influence and make these people agree to accept conditional release. But everybody knows that that offer was not accepted and availed of.

Then, Sir, when Government had to arrest some of the leading members of some of the subversive parties, and when the situation,

both international as well as internal, materially deteriorated, at that time some people came forward agreeing to accept a conditional release. And under what circumstances did they come forward? They came forward not on their own initiative, not on their own desire, but on the initiative of the mover of this resolution. And how was it done? Though there may have been some difficulty in the way of approaching them, it happened at that time that some, at least one, if not more, of the leading members or rather the leader of the subversive movement was in that jail, and it was under the persuation, propaganda and advice of these gentlemen that—not all, mind you, —some of them were made to agree to accept our terms and conditions. It might have been due entirely to the influence exercised by the mover of this resolution, by his personality and his power of argument or there may have been some other reasons why suddenly a selected number of prisoners were chosen who would agree to accept those terms and conditions and have an opportunity of going out—prisoners who had so long been prevented either by themselves or by the leaders of parties from accepting those terms and conditions.

Now, Sir, what happened next? For weeks they delayed the whole thing: they took time for it. Unfortunately, by that time some more leading men had been arrested and detained under the Defence of India Rules and Government found that circumstances had so changed that it was not possible to let these men out Then, Sir, I have forgotten to mention that to-day a representation has been made on behalf of thirty prisoners, but actually out of these thirty persons only eight have agreed under persuasion and influence to accept the terms and conditions, and twenty-two of them are not prepared even now to accept them. (Dr. NALINAKSHA SANYAL: Question.) Well. Sir, if Dr. Sanyal questions me on that point, I do not know what to say. But that is what I could gather from private conversation. I may be mistaken in my statement about the mover himself, but anyhow we had no indication that the others were prepared. Therefore, it is not a question that there are these 30 people waiting to be releasd and anxious to be released who are not being released, but only 8 people who have been persuaded to accept release under conditions; and who are these people? These are people who have been guilty of heinous crimes; they are people who are important members of organisations the leading men of which have been again arrested and detained. The whole object of arresting and detaining the leading members of these organisations will be frustrated if after having taken A, B and C I go and release D, E and F and let them do what these A, B and C were doing. That is my difficulty (Dr. NALINAKSHA SANYAL: Rearrest them.) It is not a question that these people are individuals. It is not a question that they are separate, that they act on their own initiative. They are members of certain organisations who have a declared policy, who work on certain scheme

and plans, who have got secret organisations, and as long as these convicted prisoners remain members of those organisations they cannot be released. They cannot be released until and unless they absolutely go out of politics and go out of these activities. (Mr. KIRAN SANKAR ROY: You knew all that before.) Certainly conditions were different at that time. At that time we were anxious that these people should go: they did not go. At that time there was no war. There were many things that we could have done but conditions never remain same. (Mr. M. SHAMSUDDIN AHMED: 30 men cannot overthrow the Government.) Sir, this is again another fallacy with which this House is being deluded. It is not a question of 30 men. It is a question of important and leading men. I submit, and everybody will agree, that as far as organisation is concerned it is not done by 500 or 5,000 men, but in every organisation there are one or two active men who have got capacity and brains to organise. (Mr M. SHAMSUDDIN AHMED: Why Government could not tackle the Dacca riots? You have shown incompetence and impotence about that.) It is all very well for members to sit here and make a statement, but we have got to face realities and we have got to remember that it is this Government that was responsible for one of the most generous policy of release not only of those who were detained but also of those who were convicted. Our policy was a declared policy and at that time when we undertook to give release we made it clear in one of our letters to Mr. Gandhi that as long as the atmosphere is one which will enable Government to continue this policy of release we will do so. I will just read a certain relevant portion of the letter:

"It is necessary to emphasize at the outset that the scheme which is embodied in the succeeding paragraph is to be regarded as a connected plan, the different parts of which form a single and indivisible whole". (Dr. NALINAKSHA SANYAL: You would not find it in the resolution.) This was in a letter to Mr Gandhi and published where the whole scheme was discussed. "As an integral part of the scheme it shall be agreed and accepted between Government, yourself and the Congress as follows: 'that no attempt will be made hereafter by the Congress——

Mr. SPEAKER: I am afraid, Sir Nazimuddin, there is just about a minute more for you to finish.

The Hon'ble Khwaja Sir NAZIMUDDIN: '.....or by any other body with the support, tacit or open, of the Congress to secure and advance upon these terms and the matter shall cease to be a political issue, that you and the Congress will actively discourage all forms of agitation for the accelerated release of prisoners, all attacks in the press on the policy of Government in the matter of terrorist prisoners, all demonstrations in respect of the release of such prisoners, and thereafter all statements written and speeches favourable to terrorists and

terrorism, that you and the Congress will take every step possible to create and maintain public opinion against hunger-striking and publicly condemn such a course if adopted.' "

This was, Sir, the whole policy of release. I admit it was not accepted by the Congress, but Government have acted on the basis that these are the conditions under which release will be allowed. (MR. JOGESH CHANDRA GUPTA: But there was nothing in the Government resolution.) Not necessary, but these letters were published and show the policy of Government as far as the question of release is concerned.

Mr. SPEAKER: I am sorry, two hours' time is over and the motion is talked out.

Adjournment.

It being 8-17 p.m.—

The House was adjourned till 4-45 p.m. on Monday, the 4th August, 1941, at the Assembly House, Calcutta.

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